MUNICIPAL DISTRICT OF PROVOST NO. 52

GENERAL MUNICIPAL PLAN
BYLAW NO. 1633

MUNICIPAL DISTRICT OF PROVOST No. 52

BYLAW NO. 1633

Whereas the Council of the Municipal District of Provost No. 52 considers it appropriate to adopt a General Municipal Plan for the purpose of managing the future land use development of the municipality; and

Whereas this Bylaw applies to all the land within the Municipal District of Provost No. 52 in the Province of Alberta; and,

Whereas Section 61 of the Planning Act, R.S.A. 1980 authorizes the Municipal District of Provost No. 52 to adopt by Bylaw a plan known as the Municipal District of Provost No. 52 General Municipal Plan;

NOW THEREFORE, the Council of the Municipal District of Provost No. 52 enacts the following:

(1) that the Municipal District of Provost No. 52 General Municipal Plan, being the document attached hereto, is hereby adopted in its entirety; and

(2) that this Bylaw shall come into effect on the date of the third reading.

READ A FIRST TIME THE 26th day of February, 1986.
ADVERTISED THE 26th day of March, 1986, and
the 2nd day of April, 1986 IN THE PROVOST NEWSPAPER.
PUBLIC HEARING HELD THE 8th day of April, 1986.
READ A SECOND TIME THE 8th day of May, 1986.
READ A THIRD TIME AND FINALLY PASSED THIS 8th DAY OF May, 1986.

NORMAN LARSON
REEVE

LINDA L. MCDONALD (MRS.)
SECRETARY-TREASURER

MUNICIPAL DISTRICT OF

PROVOST NO. 52

GENERAL MUNICIPAL PLAN

64-12-01067

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PREFACE

A General Municipal Plan is a statutory planning document established under Section 61 of the Planning Act, R.S.A. 1980. In this regard, the purpose of this Plan is to provide municipal residents with a concise and reasonable statement indicating the approach the Municipal District intends to take when dealing with existing and future land use development.

Although the Municipal District of Provost No. 52 is not obligated to prepare a General Municipal Plan, the Council believes that the land base and how it is used is very important to all Municipal residents. In this regard the Council has developed an approach to the preparation of this Plan based on the following three principles:

Management

This principle reflects the need to identify land use issues which should be addressed in the Plan.

Degree

The key to this principle is developing an understanding of the scale and scope of each land use issue, as well as the inter-relationships between and among issues, in order that the most appropriate planning policies can be developed.

Monitoring

This principle recognizes that situations change over time and it is unrealistic to assume that one can predict every eventuality. In order to keep this Plan current and useful, monitoring techniques must be provided.

1.0 PLAN GOALS

Plan goals indicate the overall direction the Municipal District wishes to take in managing land uses. In preparing these Plan goals, recognition has been given to the important role the agricultural industry plays in contributing to the growth and development of the Municipality. In recent years natural resource base industries, specifically oil and gas exploration and development, have provided additional economic opportunities.

In addition to recognizing the need to encourage the growth and development of the Municipality while maintaining a strong role for the agricultural industry, Council believes that this plan should only address issues which are important to the Municipal District.

BASED ON THIS UNDERSTANDING, THE FOLLOWING THREE PLAN GOALS HAVE BEEN IDENTIFIED:

1. TO CONSERVE THE AGRICULTURAL LAND BASE.

2. TO PROVIDE OPPORTUNITIES FOR WELL-PLANNED GROWTH.

3. TO MANAGE LAND USE DEVELOPMENT WITHIN THE MUNICIPALITY ONLY TO THE EXTENT NECESSARY FOR THE GREATER PUBLIC GOOD.

Conserving the agricultural land base is considered by Council to be the most important Plan goal. Throughout the Plan certain land uses may be considered in order to provide growth opportunities. In these instances the Plan shall identify the relevant factors to be assessed in the decision-making process.

2.0 AGRICULTURE

Intent

Agriculture is the most extensive land use in the Municipal District. According to the Canada Land Inventory Classification System for Agricultural Capability, roughly 38% of the land area of the Municipality is considered to have a moderate to good capability to produce field crops. The eastern sector of the Municipal District in the vicinity of Provost is generally used for field crop production. The western sector of the municipality has a lower capability to produce field crops. It is used in conjunction with livestock operations.

It is the intention of Council to provide objectives and policies which define and conserve the agricultural land base while recognizing those land uses and situations where exceptions from this general intention are appropriate.

Objectives

1. To encourage agriculture to remain a viable and important use of land within the Municipal District.
2. To minimize the loss of productive agricultural land to non-agricultural uses.
3. To provide opportunities for the growth and prosperity of the agricultural community.

Policies

2.1 In order to conserve the agricultural land base the Municipal District shall direct, where practically possible, subdivision and development to non-productive agricultural land.

2.2 The Municipal District shall define productive agricultural land as land which is presently used for agricultural purposes as well as land which has a reasonable capability to support an agricultural use. Subject to a field inspection and based on the above statement, the Municipal District shall consider productive agricultural land to include:

- land with an agricultural assessment rating of 40% or greater of the most productive land; and/or
- land with a Canada Land Inventory Rating for Agricultural Capability of Class 4 or better which is used for pasture purposes.

2.3 It is the policy of the Municipal District to maintain the quarter section as the minimum parcel size for extensive agricultural purposes.

2.4 When reviewing applications for the subdivision or development of land or applications to reclassify land under the Land Use Bylaw, the proponent shall demonstrate to the satisfaction of the appropriate approving authority that productive agricultural land is not unnecessarily lost to non-agricultural uses.

2.5 Notwithstanding policies 2.1, 2.2 and 2.4, the Municipal District shall provide for the subdivision of one parcel from an unsubdivided quarter section for either an existing farmstead or an undeveloped country residence. An unsubdivided quarter section includes those quarter sections where a separate title exists for a public or institutional use.

2.6 Notwithstanding policies 2.1, 2.2 and 2.4, the Municipal District may provide for the subdivision or development of one rural industrial/ commercial use from an unsubdivided quarter section.

2.7 Multi-lot subdivisions or multiple developments (more than one parcel) are considered to have a greater effect on the agricultural land base than a single-lot subdivision or development. Subject to policies 2.1, 2.2 and 2.4, it is the policy of the Municipal District that multi-lot subdivisions or developments shall require land reclassification under the Land Use Bylaw.

2.8 The Municipal District shall interpret an intensive livestock feeding operation to mean a confinement livestock facility determined as such by the criteria specified in the Land Use Bylaw capable of confining, rearing or feeding a type and quantity of livestock at a given density over a minimum length of time but does not include the confinement or wintering of livestock in a normal ranching operation.

2.9 Where productive agricultural land is removed for roads, rail lines, pipelines, transmission lines, well sites, etc., the Municipal District shall only endorse those proposals which minimize the loss and fragmentation of productive agricultural land.

3.0 RURAL INDUSTRIAL/COMMERCIAL USES

Intent

Rural industrial/commercial uses represent a broad land use category. The Municipal District has a wide variety of these types of uses. Some industrial/ commercial uses are related to specific natural resources and as a result their location within the Municipality is pre-determined. Other types of rural industrial/commercial uses are not required to locate on a specific site. Uses such as farm implement dealers, well service and storage businesses, truck stops and motels prefer to locate in proximity to their customers.

Council recognizes the important contribution rural industrial/commercial uses make towards providing employment opportunities for Municipal residents as well as stimulating the growth and development of the entire Provost region.

It is the intention of Council to provide objectives and policies which encourage the growth and development of rural industrial/commercial uses throughout the Municipal District, while minimizing conflicts with other land uses.

Objectives

1. To encourage opportunities for a variety of industrial/commercial uses.
2. To minimize the loss of productive agricultural land to industrial/commercial uses.
3. To minimize conflicts between industrial/commercial uses and neighbouring land uses.

Policies

3.1 The Municipal District shall consider a variety of rural industrial/commercial uses provided the impacts associated with a proposed use do not unduly interfere with the residents of the Municipal District, their property, or the environment.

3.2 In order to determine the impacts of proposed industrial/commercial uses the Municipal District shall request comments from those Provincial and local agencies which may provide information on such matters.

3.3 Where practically possible, rural industrial/commercial uses shall be directed to non-productive agricultural land. This policy shall be given a priority consideration when reviewing applications for subdivision or development of land, or applications for land reclassification under the Land Use Bylaw.

3.4 Subject to policy 3.3, and based on an assessment of agricultural productivity as outlined under policy 2.2, the Municipal District may consider the subdivision or development of one site from an unsubdivided quarter section for rural industrial/commercial use. An unsubdivided quarter section includes those quarter sections where a separate title exists for a public or institutional use.

3.5 Subject to policy 3.3, and based on an assessment of agricultural productivity as outlined under policy 2.2, multi-lot rural industrial/commercial subdivisions or multiple developments shall require reclassification under the Land Use Bylaw.

3.6 The Municipal District shall encourage rural industrial/commercial uses which are not compatible with elements of the urban environment to locate in rural areas of the the Municipality. These include uses which have large land requirements and minimal municipal servicing needs.

3.7 All rural industrial/commercial uses shall have access to an all-weather road. Other transportation needs, including rail access and highway access, shall be determined at the time of the review of the proposal.

3.8 The Municipal District shall not support rural industrial/commercial uses proposed to be located in hazard land areas, which include river banks, lakeshores, river valleys, coulees and other similar areas, unless an assessment of these factors are made and concerns resolved to the satisfaction of the Municipal District.

3.9 All rural industrial/commercial uses shall be located on sites which are capable of supporting the intended use. This includes sites with adequate drainage, soil and slope conditions.

3.10 Resource extraction types of rural industrial/commercial use shall be required to prepare reclamation plans to the satisfaction of the Municipal District and Alberta Environment.

3.11 Rural industrial/commercial uses proposed to be located within the urban fringe area as identified in the Land Use Bylaw shall have regard to the long range growth plans and other concerns of the adjacent urban municipality.

3.12 The Municipal District may require the proponent of a rural industrial/commercial use to enter into a development agreement regarding the construction of necessary roadways and services to the site as part of the subdivision or development process.

4.0 RECREATION

Intent

The Municipal District has potential for developing outdoor recreation opportunities. The many sloughs and lakes provide sites for hunting, bird watching and passive outdoor pursuits. Shorncliffe and Capt. Ayre lakes provide more intensive recreational development enjoyed by many Municipal residents.

In recent years the Municipal District has worked jointly with local Recreation Boards to establish programs and facilities to serve the needs of its residents. Council recognizes the important role these local Recreation Boards maintain in providing recreation opportunities throughout the Municipality.

It is the intention of Council to provide objectives and policies to manage the recreation resources of the Municipality for the enjoyment of all Municipal residents.

Objectives

1. To provide for a variety of recreational opportunities.
2. To encourage the development of recreational opportunities and facilities within easy access of Municipal residents.
3. To establish appropriate planning programs to manage development associated with Shorncliffe and Capt. Ayre lakes.

Policies

4.1 The Municipal District shall encourage recreation uses to locate on non-productive agricultural land.

4.2 Recreational uses proposed to be located in hazard land areas, such as river valleys, coulees, adjacent to water bodies or in areas of steep slope or high water table, shall be required to provide an impact assessment to the satisfaction of the Municipal District.

4.3 The Municipal District shall continue to work with the local Recreation Boards to develop programs and facilities throughout the Municipality which serve the needs of local residents.

4.4 The Municipal District believes that Shorncliffe and Capt. Ayre lakes are special recreation areas due to their water-related recreational opportunities. In order to properly manage this resource for present and future users, the Municipal District shall establish a planning program designed to develop an appropriate land use planning scheme for each lake. In the development of this planning scheme, consideration shall be given to the following:

- the land use pattern;
- the ability of the site to absorb additional development;
- the ability of the lake to accommodate additional development;
- public access and facilities;
- the concerns of the present lake users; and
- any other matters considered appropriate.

4.5 In relation to existing multiple cottage-type development along Shorncliffe Lake, the Municipal District applied to the Alberta Planning Board for a waiver of Section 78(1) of the Planning Act. Although this Section of the Act limits the number of dwellings on a parcel to one, the Municipal District supports the idea of maintaining the land it owns around Shorncliffe Lake as a recreational cottage area. On April 18th, 1986 the Alberta Planning Board granted the M.D. exemption from this provision of the Act for the portions of land in LSDs 3-6 inclusive in section 30-40-6-W4 provided that the Municipal District continues to lease only up to a maximum of fifty-six "lots" on a year-by-year basis as per Board Order 36-M-86/87.

4.6 In order to ensure that development in the vicinity of Shorncliffe and Capt. Ayre Lakes will not jeopardize the preparation of the planning scheme identified in policy 4.4, the Municipal District shall not support any further multi-lot subdivision or major development within 0.8 km (1/2 mile) of these Lakes until a planning scheme has been completed. Notwithstanding, the development of existing sites as well as improvements to existing uses may be considered.

4.7 The Municipal District shall encourage the local school authorities to prepare agreements with the municipality regarding the use and disposition of reserves as defined under the Planning Act, R.S.A. 1980.

5.0 COUNTRY RESIDENTIAL USES

INTENT

The population within the rural area (not including hamlets) of the Municipal District is largely associated with existing agricultural operations. The majority of subdivision requests relate to existing farmstead sites. The exception is the 46 lot Shorncliffe Lake subdivision of which only a limited number of lots have been developed. In general, there appears to be little demand for multi-lot country residential development and this situation is not expected to change in the foreseeable future.

It is the intention of Council to provide objectives and policies which provide for the development of country residential uses while ensuring that these uses, where practically possible are directed to non-productive agricultural land.

Objectives

1. To ensure, where practically possible, that productive agricultural land is not lost to country residential development.
2. To minimize conflicts between country residential development and other neighbouring land uses.
3. To provide a variety of country residential opportunities.

Policies

5.1 Country residential development, including rural mobile home parks and farmsteads, shall be be directed, where practically possible, to locate on non-productive agricultural land.

5.2 When reviewing proposals for the development or subdivision of land, or applications for land reclassification under the Land Use Bylaw for country residential uses, including rural mobile home parks, the Municipal District shall assess the agricultural productivity of the site in accordance with policy 2.2.

5.3 Notwithstanding policies 5.1 and 5.2, the Municipal District shall provide for the subdivision of one parcel from an unsubdivided quarter section for a country residence or a farmstead. An unsubdivided quarter section includes those quarter sections where a separate title exists for a public or institutional use.

5.4 Multi-lot country residential development (more than one parcel) and rural mobile home parks shall not be located on productive agricultural land and shall require reclassification under the Land Use Bylaw.

5.5 The Municipal District shall not support country residential development on sites where water quality and quantity is substandard or on sites where sewage disposal cannot be accommodated on each individual lot.

5.6 The Municipal District may support a rural mobile home park based on the following:

- the provision of a communal water distribution system;
- the provision of a communal sewage collection system;
- both communal systems; or
- water and sewages systems relating to individual stalls, providing the Municipal District and other appropriate approving agencies are satisfied that the proposed water and sewage system is adequate to meet the long term needs of rural mobile home park residents.

5.7 The Municipal District shall require country residential development and rural mobile home parks to have access to an all-weather road.

5.8 The Municipal District shall not support multi-lot country residential development including rural mobile home parks in hazard land areas, such as coulees, river valleys, areas of steep slope or high water table conditions unless an assessment of these factors are made and concerns resolved to the satisfaction of the Municipal District.

5.9 The Municipal District may require the proponent of a country residential development or a rural mobile home park to enter into a development agreement regarding the construction of necessary roadways and services as part of the development or subdivision approval process.

6.0 URBAN FRINGE AREAS

Intent

The Villages of Amisk, Czar and Hughenden, and the Town of Provost lie within the boundaries of the Municipal District of Provost. In general, the economic health of these communities is very closely related to the economic health of the surrounding rural community. These incorporated urban centers provide a wider range of services than can be found in the hamlets. As the population of these urban centers grows, new services will be developed. In conjunction with this expansion, additional land will be required by these urban centers.

At the same time, there are a number of land uses which are naturally attracted to the fringe area of urban centers. Uses such as drive-in movie theaters, oil field equipment operators, bulk farm fuel and fertilizer dealers and country residential developments are examples of these types of uses. Unless properly planned, conflicts can result between land needed for urban expansion and urban fringe uses.

It is the intention of Council to provide objectives and policies designed to manage the development of urban fringe areas in order to minimize conflicts, while supporting the Plan goal of conserving agricultural land.

Objectives

1. To encourage urban expansion to be directed to non-productive agricultural land where possible.
2. To minimize land use conflicts between the Municipal District and local incorporated urban centers.
3. To provide a co-ordinated approach to the management of land use within the urban fringe area.

Policies

6.1 The Municipal District shall establish an urban fringe area of approximately 1.6 km to 2.4 km (1 to 1.5 miles) around the Town of Provost and 1.6 km (1 mile) around the Villages of Czar, Amisk and Hughenden as depicted on the Land Use District Map of the Land Use Bylaw.

6.2 In order to achieve an informed and co-ordinated approach to the management of land uses within urban fringe areas, the Municipal District shall

- provide an opportunity for an adjacent urban center to comment on all development and subdivision activity in urban fringe areas, and
- actively encourage urban municipalities to prepare long range plans which identify future expansion areas and land uses.

6.3 The Municipal District shall support the expansion of an urban center provided such expansion

- is based on an identified need,
- is consistent with the overall planning strategy of the subject urban center,
- is suited for, or can be economically adapted to urban uses and servicing, and
- is, where practically possible, directed to areas of non-productive agricultural land.

6.4 The Municipal District recognizes the valuable role urban centers play in providing commercial, industrial, institutional, recreational and residential services. The Municipal District shall endeavor to restrict land uses in urban fringe areas which may jeopardize efficient and orderly urban growth.

6.5 The Municipal District shall not support multi-lot rural industrial/commercial development or multi-lot country residential development or rural/mobile home parks within urban fringe areas.

6.6 The Municipal District shall not support the expansion or development of new intensive livestock feeding operations within urban fringe areas.

7.0 HAMLETS

Intent

Hamlets play an important role in supplying goods and services to the local agricultural community. The hamlets within the Municipality were established in the early 1900's as part of the development of the Canadian Pacific Railway. Although the population and level of services may vary between hamlets, each hamlet can be viewed as having the following three roles:

1. transportation node;
2. local supplier of agricultural related and day-to-day retail services; and
3. providing recreation and public facilities to the surrounding rural population.

It is the intention of Council to provide objectives and policies to encourage the continued growth of hamlets while ensuring that hamlets are well-planned.

Objectives

1. To encourage the growth of hamlets as an alternative life style.
2. To ensure that all hamlets are properly planned.
3. To ensure that the development of hamlets does not place an undue burden on the financial resource of the Municipal District.

Policies

7.1 Because of the development opportunities associated with each of the following locations, Bodo, Cadogan, Hayter, Metiskow, Rosyth and Cairns are identified as hamlets within the Municipal District as depicted on the Land Use District Map of the Land Use Bylaw.

7.2 The Municipal District shall encourage the growth of hamlets by providing opportunities for a variety of land uses including, residential, commercial, industrial, recreational and institutional. Notwithstanding this policy, the Municipal District shall not support uses which are incompatible with elements of a small scale urban environment such as intensive livestock feeding operations, hazardous or polluting industries, and other uses having similar concerns.

7.3 The Municipal District shall direct, where practically possible, the expansion of hamlets to non-productive agricultural land.

7.4 In hamlets, subdivision or development which will not be provided with communal water and/or sewage facilities shall be required to meet the standards established by Alberta Environment, the East-Central Health Unit and the Subdivision Approving Authority.

7.5 In order to ensure that hamlets are well-planned the Municipal District shall provide for the future land use needs of each individual hamlet through the determination of an appropriate planning scheme. These specific hamlet planning schemes shall reflect

- the existing and future land use pattern,
- the existing and proposed parcel sizes,
- the servicing demand for water and sewer,
- the long-term future growth areas, and
- any other matter the M.D. considers appropriate.

7.6 The Municipal District shall not provide communal water and/or sewer services in presently unserviced hamlets until such time as the desirability of a communal water and/or sewage distribution system has been determined.

8.0 TRANSPORTATION AND UTILITY USES

Intent

Residents of the Municipal District rely on the transportation and utility network to move people, goods and services to where they are needed. Roads, power lines, rail lines, pipelines and airports may not occupy much land, however they have impacts which effect large areas and different types of land uses.

It is the intention of Council to provide objectives and policies designed to manage potential conflicts between transportation and utility uses and other neighbouring land uses.

Objectives

1. To minimize the loss of productive agricultural land to transportation and utility uses.
2. To minimize the potential for conflict between transportation and utility uses and other neighbouring land uses.

Policies

8.1 The Municipal District recognizes that, in most cases, it does not have complete control over the location of new transportation and utility uses. However, it shall encourage those agencies having jurisdiction in these matters to

- minimize the consumption of productive agricultural land;
- provide for the establishment of transportation and utility corridors,
- to establish rights-of-way along quarter section lines, property boundaries or existing easements,
- minimize the impacts on existing uses, particularly residences and farm buildings, and
- minimize the impacts on recreational areas and areas of natural beauty and wildlife.

8.2 The Municipal District shall not support the location of land uses adjacent to transportation and utility facilities which would detract from the functioning of these facilities. This includes maintaining adequate setbacks from highway, railroad, pipeline and transmission line right-of-ways.

8.3 As a general rule the Municipal District shall not permanently close and sell roadways or road allowances. However, it may consider the leasing of these right-of-ways subject to Policy 8.4.

8.4 On occasion the Municipal District may consider requests to close public roadways or road allowances. As a means of evaluating these requests the Municipal District shall consider the following:

- the need to maintain access for residences, school bus routes, pipeline and utility easements, recreation areas, and other requisite uses of land; and,
- the use of the roadway or road allowance land after its closure, to ensure, that situations which result in the expansion of the agricultural land base are consistent with the overall Plan goals.

9.0 PLAN INTERPRETATION

9.1 All words shall have the same meaning as defined in the Planning Act, R.S.A. 1980 and the Land Use Bylaw. For words not defined under the Land Use Bylaw their meaning shall be as is understood in everyday language.

9.2 The word "shall" is interpreted as meaning an obligatory direction.

9.3 The word "may" is interpreted as meaning a choice exists with no preferred direction intended.

10.0 PLAN IMPLEMENTATION

10.1 This General Municipal Plan shall not relieve a person from compliance with the Land Use Bylaw nor any other document established pursuant to the Planning Act, R.S.A. 1980.

10.2 The Council of the Municipal District of Provost No. 52 may amend this General Municipal Plan as it considers necessary.

10.3 The Council of the Municipal District of Provost No. 52 shall review this General Municipal Plan yearly by means of an Annual Planning Report and may make whatever amendments it considers appropriate.

10.4 This General Municipal Plan comes into effect on the day it is adopted by Council.

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW NO. 1632

MUNICIPAL DISTRICT OF PROVOST NO. 52

BYLAW NO. 1632

Whereas the Council of the Municipal District of Provost No. 52 is required under Section 68 of the Planning Act, R.S.A. 1980 to enact a bylaw known as the Municipal District of Provost No. 52 Land Use Bylaw; and

Whereas the purpose of such a Land Use Bylaw is to regulate and control the use and development of land and buildings wihin the Municipal District of Provost No. 52;

NOW THEREFORE, the Council of the Municipal District of Provost No. 52 enacts the following:

(1) that Bylaw No. 1401, as amended, is repealed;
(2) that the document attached, including the text and all maps and figures, is hereby adopted as the Municipal District of Provost No. 52 Land Use Bylaw; and
(3) that this Bylaw shall come into effect on the date of the third reading.

READ A FIRST TIME THE 26th day of February, 1986.
ADVERTISED 26th day of March, 1986, and
the 2nd day of April, 1986 IN THE PROVOST NEWSPAPER.
PUBLIC HEARING HELD THE 8th day of April, 1986.
READ A SECOND TIME THE 8th day of May, 1986.
READ A THIRD TIME AND FINALLY PASSED THIS 8th DAY OF May, 1986.

NORMAN LARSON
REEVE

LINDA L. MCDONALD (MRS.)
SECRETARY-TREASURER

MUNICIPAL DISTRICT OF

PROVOST NO. 52

LAND USE BYLAW NO. 1632

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7.0 RURAL MOBILE HOME PARK DISTRICT (RMHPD)

INTRODUCTION

Each Land Use District named above includes its own purpose statement, definition of terms, listing of land uses, regulations, administration and enforcement procedures and where appropriate, a land use district map. In this regard, each Land Use District is self-contained.

For the purpose of administering this Bylaw, reference should be made to the specific Land Use District in question.

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

1.0 AGRICULTURAL DISTRICT

1.1.0 Purpose, Definitions & Setbacks
1.2.0 Designated & Discretionary Uses
1.3.0 Administration & Enforcement
1.4.0 Land Use District Map & Figures

1.1.0 PURPOSE, DEFINITIONS & SETBACKS

1.1.1 PURPOSE

The primary purpose of this District is to provide for activities associated with agricultural production and to protect valuable agricultural land from inappropriate development.

This District applies to all the land within the Municipal District of Provost No. 52 depicted on the Land Use District Map located in Section 1.4.2.

1.1.2 DEFINITIONS

(1) "Act" means the Planning Act, R.S.A. 1980;
(2) "designated use" means the use of land provided for in this Bylaw;
(3) "discretionary use" means the use of land provided for in this Bylaw for which a development permit may be issued upon application having been made;
(4) "development permit" means a document authorizing a development issued pursuant to this Bylaw;

(5) "extensive agriculture" means the extensive cultivation of land including land for grazing purposes, residences and buildings associated with this use;

(6) "highway" means
  (a) a highway or proposed highway that is designated as a primary highway, or
  (b) a road, street or highway designated and numbered between 900 and 999 according to the Public Highways Development Act, R.S.A. 1980;

(7) "institutional and public use" means a building, structure or parcel used for services that are owned or operated by a public/private institution or a municipal, provincial or federal corporation which provides services for the public or its members (i.e. churches, schools, cemeteries, etc.);

(8) "intensive agriculture" means a residence and systems of tillage through which one may gain livelihood from proportionally small areas of land such as, but not limited to greenhouses, market gardens, truck farming and apiaries but does not include intensive livestock feeding operations;

(9) "intensive livestock feeding operations" means a confinement livestock facility determined as such by the criteria specified within this Bylaw capable of confining, rearing or feeding a type and quantity of livestock at a given density over a minimum length of time but does not include the confinement or wintering of livestock in a normal ranching operation;

(10) "recreational use" means the use of land for recreational purposes;

(11) "productive agricultural land" means land which has the following characteristics:
  (a) municipal agricultural assessment rating of 40% or greater of the most productive land;
  (b) a Canada Land Inventory Rating (C.L.I.) for Agricultural Capability of Soil of Class 4 or better which is used for pasture purposes; or
  (c) land which is presently being used for agricultural purposes;

(12) "rural industrial/commercial use" means any business, industry or trade carried-on in the rural area;

(13) "unsubdivided quarter section" means 160 acres (64.75 ha) of land as described under the Survey Act, R.S.A. 1980, or a lesser area of land due to the subdivision of an institutional or public use.

1.1.3 SETBACKS

The minimum building setback from the center line of a roadway shall be as follows:

(1) Rural road - 125 ft. (38.1m);

(2) Secondary road - 209 ft. (63.8m) or 134 ft. (40.9m) from the boundary of the future right-of-way, which-ever is greater;

(3) Highway - as prescribed by Alberta Transportation according to the Highway Development Act, R.S.A. 1980; and

(4) All of the above shall be in accordance with Figures #1 through #5 in Section 1.4.1 of this Bylaw, or as approved by the Development Officer.

1.2.0 DESIGNATED & DISCRETIONARY USES

1.2.1 DESIGNATED USES

No development permit is required for designated uses provided minimum building setbacks from roadways are followed.

(1) Extensive Agriculture
   - (a) Minimum parcel size - unsubdivided quarter section 160 acres (64.75ha) or where a parcel has been subdivided for a discretionary use the minimum parcel size shall be the residual.
   - (b) Existing extensive agricultural operations may include an intensive livestock feeding operation as an associate use provided the operation is no larger than 200 Animal Units.
   - (c) Existing extensive agricultural operations may include a rural industrial/commercial use as an associated use provided that there are no off-site employees.

(2) Intensive Agriculture
   - (a) The parcel size and development standards shall be determined by the Development Officer.

1.2.2 DISCRETIONARY USES

All discretionary uses shall require a development permit before construction begins and once a development permit has been issued no further permit is required to allow subsequent development of the same nature provided building setbacks from roadways are followed.

(1) Abattoir
  (a) The parcel size and development standards shall be determined by the Development Officer.

(2) Single Parcel Country Residence
  (a) A single parcel from an unsubdivided quarter section shall be subject to the following criteria:
    (i) The maximum parcel size for an undeveloped country residential site shall be 3 acres (1.21ha);
    (ii) In the case of existing development (i.e. farmstead), or where site conditions warrant a parcel size of greater than 3 acres (1.21 ha), the appropriate parcel size shall be determined by the Development Officer; and
    (iii) A country residential site shall have access to an opened public road.

(3) Intensive Livestock Feeding Operation
  (a) Only proposed new intensive livestock feeding operations shall require a development permit. Expanding operations do not require a permit, however, the Public Health Regulation shall apply.
  (b) The determination of an intensive livestock feeding operation is based upon the following criteria;
    (i) A housing density, either open feedlot or building confinement, greater than one Animal Unit per 3229 sq. ft. ($300m^2$); and
    (ii) A period of confinement greater than 90 consecutive days. This, however, does not include the confinement or wintering of livestock in a normal ranching operation.

(c) The term Animal Unit is based on an assessment of the amount of waste produced by a single animal of a specified animal type. The number of animals per type which are the equivalent of one Animal Unit are as follows:

Type of Animal	No. of animals equivalent to one Animal Unit
Dairy Cows	0.8
Beef, cows or bulls	1.0
Feeder Cattle	1.5
Replacement Heifers	2.0
Calves	5.0
Sow - farrows to weaning (Includes gilts suckling 40 lbs)	3.0
Feeder Hogs (120 lbs. average)	5.0
Weaner Hogs (44 lbs. or less)	15.0
Hens	125.0
Chicks, broilers	250.0
Turkey Hens, heavies	75.0
Turkey Toms, heavies	50.0
Turkey Broilers	100.0
Rams or ewes plus lambs	5.0
Lambs	12.0
Horse	1.0
Mink	80.0
Rabbits	40.0

(d) A proposed new intensive livestock feeding operation shall be located at least 2000 ft. (610m) from the nearest residence not associated with the operation.

(e) The parcel size and development standards shall be determined by the Development Officer.

(4) Rural Industrial/Commercial Use
    (a) One site per unsubdivided quarter section may be considered.
    (b) The parcel size and development standards shall be determined by the Development officer.

(5) Recreation Use
    (a) The parcel size and development standards shall be determined by the Development Officer.

(6) Institutional and Public Use
    (a) Historical or archaelogical sites identified as per the Alberta Historical Resources Act, R.S.A. 1980, shall be protected in accordance with Alberta Culture guidelines.
    (b) For all other institutional and public uses, the parcel size and development standards shall be determined by the Development Officer.

(7) Other Similar Use
    (a) For other uses which are similar in nature to those listed in this District, the parcel size and development standards shall be determined by the Development Officer.

1.3.0 ADMINISTRATION & ENFORCEMENT

1.3.1 DEVELOPMENT OFFICER

(1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

(2) The Development Officer shall perform such duties as specified in this Bylaw.

(3) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours a copy of this Bylaw and all amendments, and shall keep a register of all applications for development, including the decisions and the reasons for those decisions.

(4) For the purposes of this Bylaw, the Development Officer is hereby declared to be an authorized employee of Council.

1.3.2 DEVELOPMENT APPEAL BOARD

Council, by Bylaw No. 1643, has established a Development Appeal Board in accordance with the Planning Act, R.S.A. 1980. This bylaw provides for the appointment of one member of the public from each electorial division to be named at the annual organizational meeting of the Municipal District.

1.3.3 DEVELOPMENT PERMITS, RULES AND PROCEDURES

(1) Only the following proposed development shall require a development permit:

(a) All improvements or additions to existing buildings within 125 ft. (38.1m) of the center line of a rural road;
(b) All improvements or additions to existing buildings within 209 ft. (63.8m) of the center line of a secondary road or 134 ft. (40.9m) from the boundary of the future right-of-way of a secondary road, whichever is greater;
(c) All improvements or additions to existing buildings within the setback area as identified under the Highway Development Act, R.S.A. 1980;
(d) All discretionary uses, however, no permit shall be required for the normal maintenance and repair of existing development, the erection of farm fences provided that visibility from intersecting roads is not obstructed, for temporary buildings, for accessory uses and buildings, or for the development, maintenance, or repair of public works, services and utilities carried-out by or on behalf of federal, provincial and municipal public authorities; and

(e) Existing agricultural development authorized by this Bylaw shall not be restricted by future non-agricultural proposals.

1.3.4 PERMISSION FOR DEVELOPMENT

(1) An application for a development permit shall be made to the Development Officer in writing and shall be accompanied by
  (a) a site plan showing the location of all proposed buildings,
  (b) a statement of proposed use, and
  (c) any other information as required by the Development Officer.

(2) Each development permit application for a discretionary use shall be accompanied by a fee of $25.00.

(3) In making a decision on a development permit application the Development Officer may approve the development, place conditions on the development or refuse it. A development permit approval is valid for a period of twelve months from the date of its issuance.

(4) The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if in the opinion of the Development Officer
  (a) the proposed development would not
    (i) unduly interfere with the amenities of the neighbourhood, or
    (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
  (b) the proposed development conforms with the use prescribed for the land or building in this Bylaw.

(5) Where a development permit has been refused no similar application may be entertained for a period of six months.

(6) In the case where a proposed specific use of land or a building is not provided for in this District in the Bylaw the Development Officer may determine that such use is similar in character and purpose to a use prescribed for in the District.

(7) The Development Officer shall make every effort to notify the applicant of approval or refusal within 21 days of receipt of a development permit application.

1.3.5 APPEAL PROCEDURE

(1) An appeal may be made to the Development Appeal Board where a Development Officer
   (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application,
   (b) issues a development permit with or without conditions, or
   (c) issues a stop work order under Section 1.3.6 of this Bylaw.

(2) Any person affected by the permit may appeal.

(3) Any development appeal shall be made by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the date the order, decision or permit issued by the Development Officer was publicized in accordance with the Planning Act.

(4) Within 30 days of a notice of appeal the Development Appeal Board shall hold a public hearing on the matter.

1.3.6 CONTRAVENTION

(1) Where a Development Officer finds that a development or use of land is in contravention of this Bylaw, the Planning Act, a development permit, or a subdivision approval, the Development Officer may, by written notice to the party responsible, order
   (a) a stop to the development,
   (b) adjustment to the development to ensure its compliance, or
   (c) the demolition or removal of the contravening development.

(2) Where the responsible party fails or refuses to comply with an order directed to him under subsection (1) or an order of the Development Appeal Board under Section 85 of the Planning Act within the time specified, Council or a person appointed by it may, in accordance with Section 43 of the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.

(3) Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land.

1.3.7 APPLICATION TO AMEND BYLAW

(1) A person may apply to have this Bylaw amended by applying to the Secretary-Treasurer in writing furnishing reasons in support of the application and paying the required fee.

(2) All applications for amendment to this Bylaw shall be forwarded by the Secretary-Treasurer to Council, and shall also be accompanied by

  (a) the $250 application fee, part or all of which Council may determine to have returned to the applicant,

  (b) the certificate of title or other documents indicating the applicant's interest in the land affected, and

  (c) any other information as determined necessary by the Secretary-Treasurer.

(3) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to prepare an application.

(4) All amendments to this Bylaw shall conform with Part 6, Division 1 of the Planning Act on "Public Participation in Bylaws".

1.4.0 LAND USE DISTRICT MAP & FIGURES

1.4.1 The required development and building setbacks from roadways are included as FIGURES 1 to 5 which follow.

1.4.2 The extent of the Agricultural District is as indicated on the LAND USE DISTRICT MAP which follows.

Figure 1.

SECONDARY ROAD BOUNDARIES

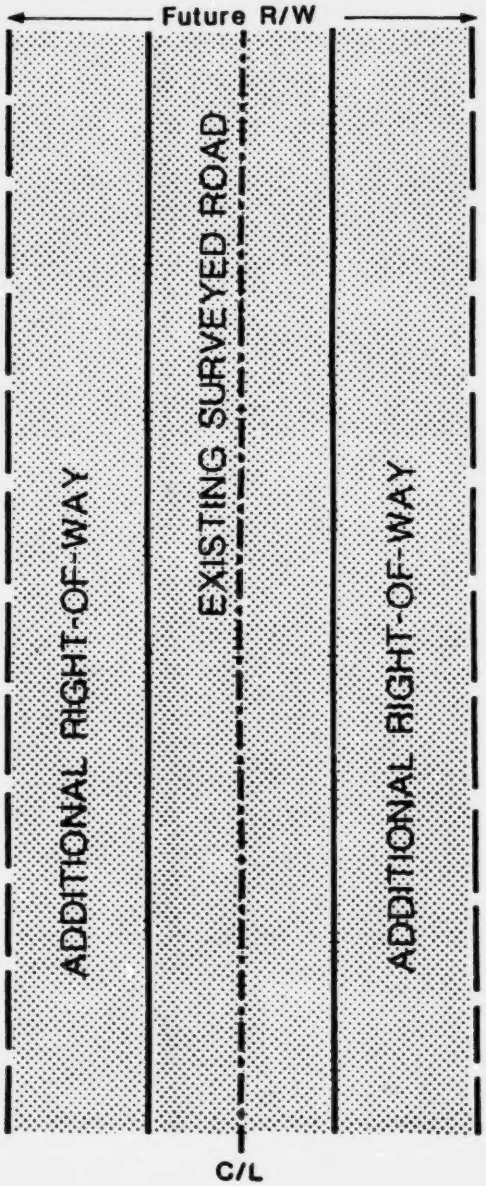


Figure 2

INTERSECTION BETWEEN SECONDARY AND RURAL ROADS

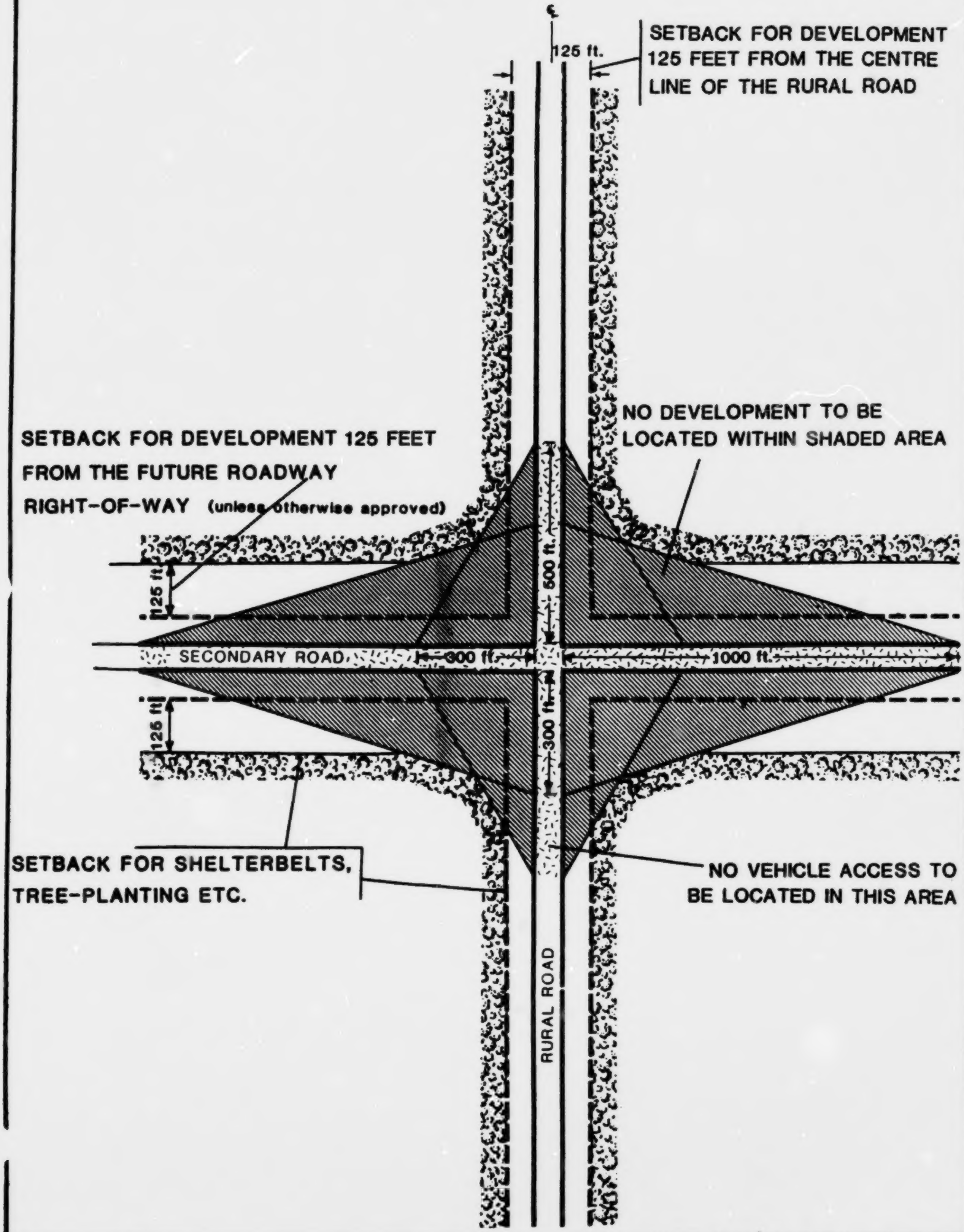

℄
125 ft.
SETBACK FOR DEVELOPMENT 125 FEET FROM THE CENTRE LINE OF THE RURAL ROAD
NO DEVELOPMENT TO BE LOCATED WITHIN SHADED AREA
SETBACK FOR DEVELOPMENT 125 FEET FROM THE FUTURE ROADWAY RIGHT-OF-WAY (unless otherwise approved)
125 ft.
500 ft.
SECONDARY ROAD
300 ft.
1000 ft.
125 ft.
300 ft.
SETBACK FOR SHELTERBELTS, TREE-PLANTING ETC.
NO VEHICLE ACCESS TO BE LOCATED IN THIS AREA
RURAL ROAD

Figure 3

INTERSECTION BETWEEN TWO SECONDARY ROADS

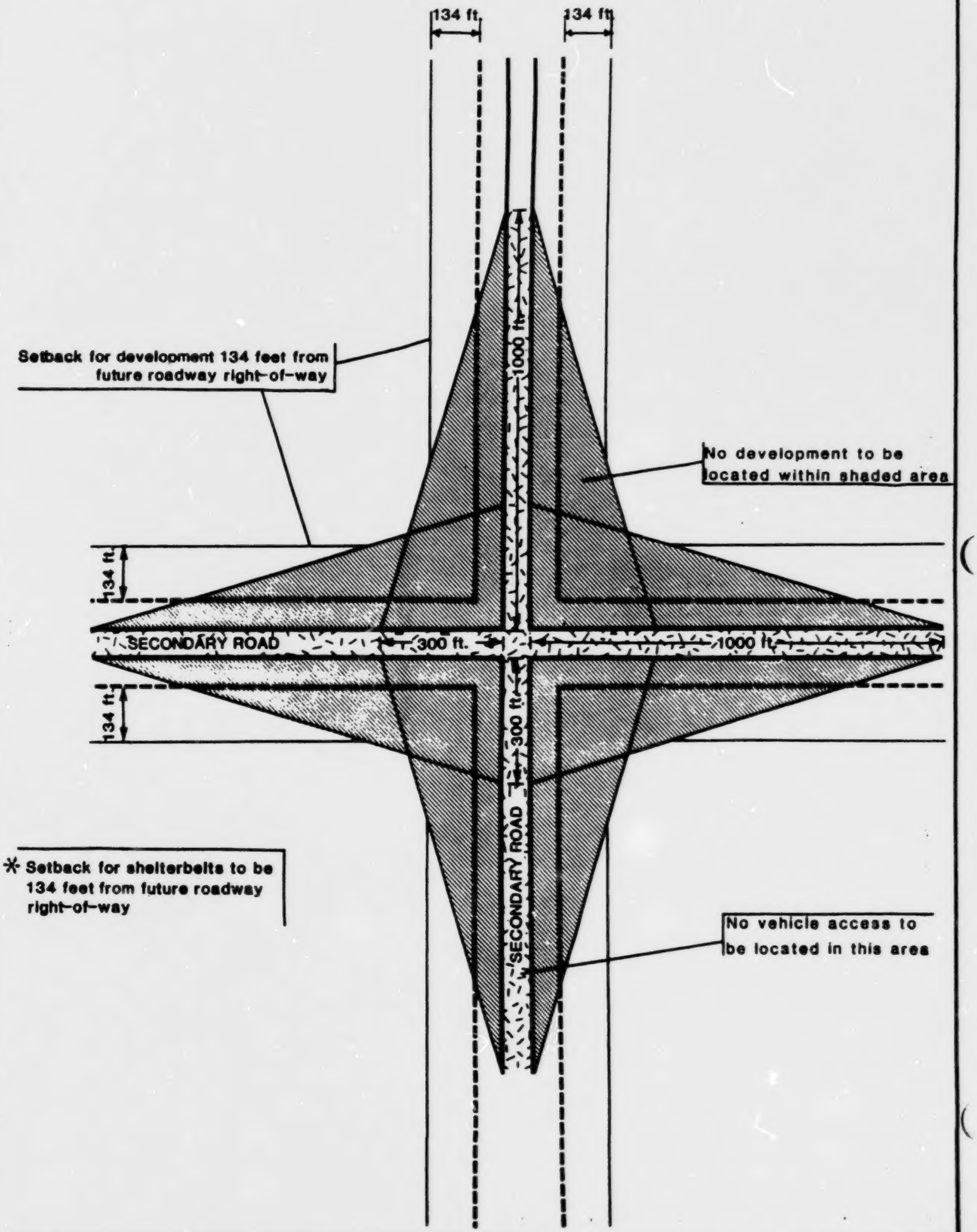
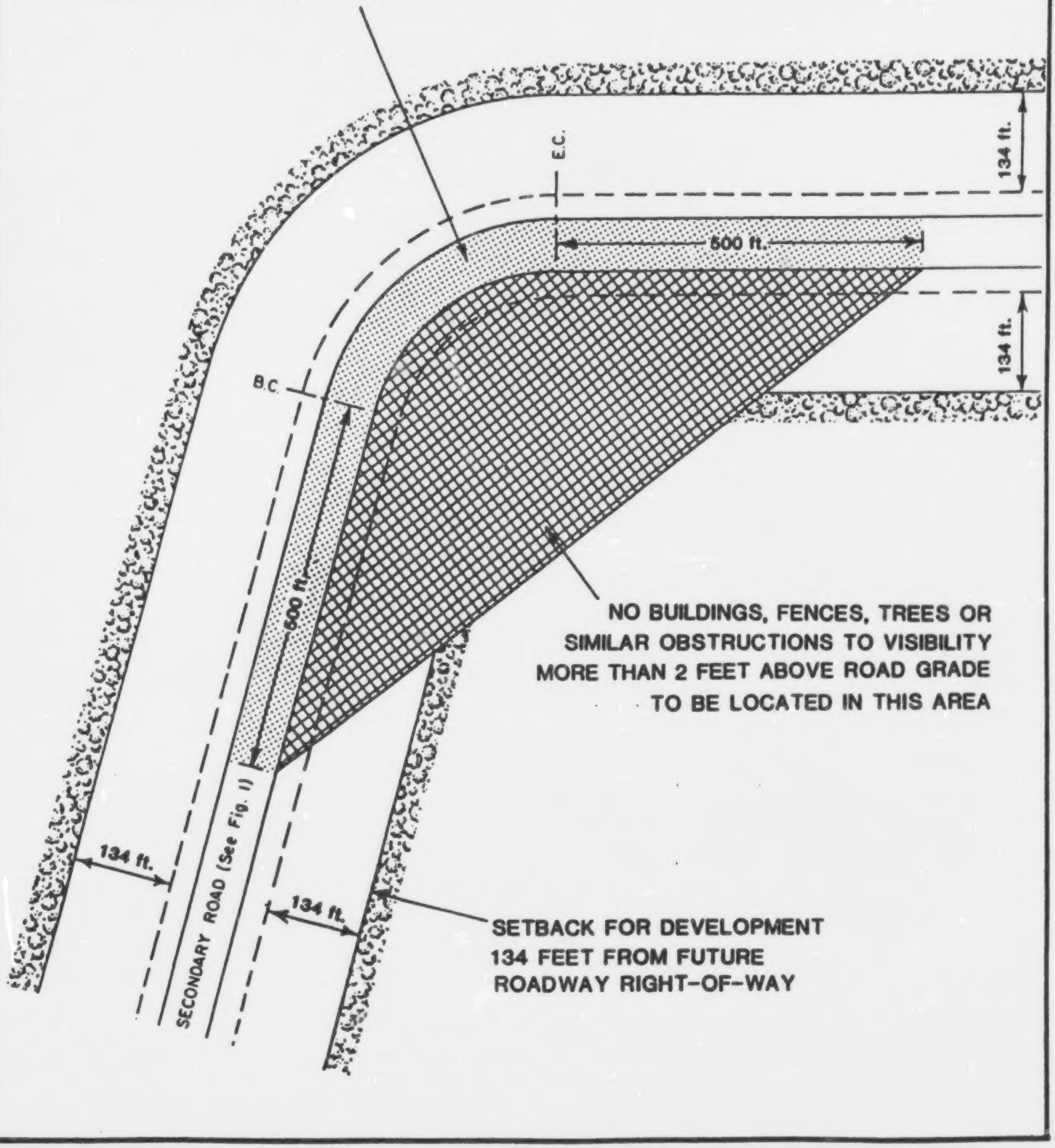

134 ft.
134 ft.
Setback for development 134 feet from future roadway right-of-way
No development to be located within shaded area
1000 ft.
134 ft.
SECONDARY ROAD
300 ft.
1000 ft.
134 ft.
300 ft.
SECONDARY ROAD
* Setback for shelterbelts to be 134 feet from future roadway right-of-way
No vehicle access to be located in this area

Figure 4

DEGREE OF CURVATURE GREATER THAN 2 DEGREES



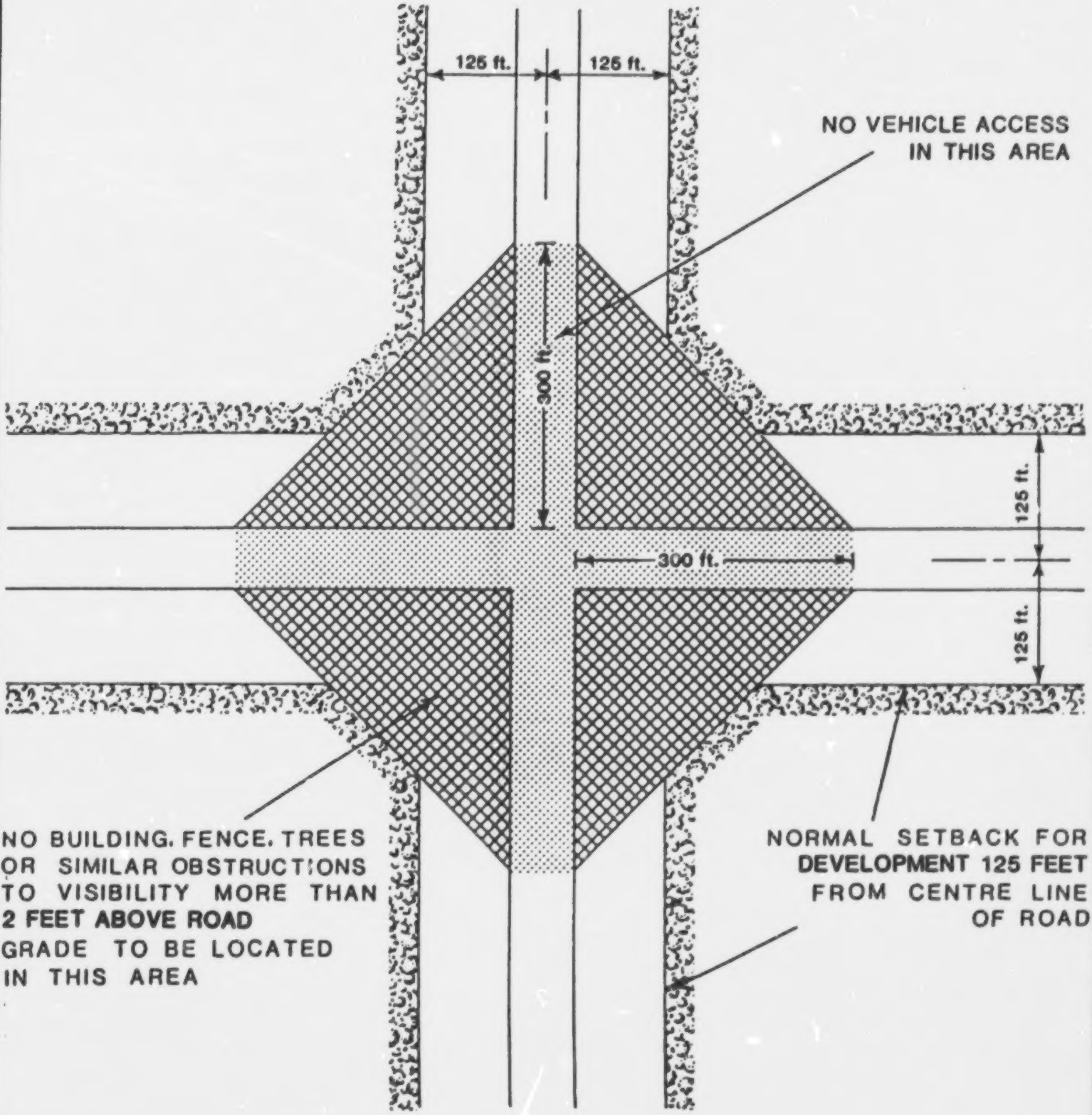
NO VEHICLE ACCESS TO BE LOCATED IN THIS AREA

NO BUILDINGS, FENCES, TREES OR SIMILAR OBSTRUCTIONS TO VISIBILITY MORE THAN 2 FEET ABOVE ROAD GRADE TO BE LOCATED IN THIS AREA

SETBACK FOR DEVELOPMENT 134 FEET FROM FUTURE ROADWAY RIGHT-OF-WAY

Figure 5

LOCATION OF BUILDING AT RURAL ROAD INTERSECTION AND RURAL HIGHWAY CURVES


125 ft.
125 ft.
NO VEHICLE ACCESS IN THIS AREA
300 ft.
125 ft.
300 ft.
125 ft.
NO BUILDING, FENCE, TREES OR SIMILAR OBSTRUCTIONS TO VISIBILITY MORE THAN 2 FEET ABOVE ROAD GRADE TO BE LOCATED IN THIS AREA
NORMAL SETBACK FOR DEVELOPMENT 125 FEET FROM CENTRE LINE OF ROAD

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

AGRICULTURAL DISTRICT

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

URBAN FRINGE DISTRICT

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

2.0 URBAN FRINGE DISTRICT

2.1.0 Purpose, Definitions & Setbacks
2.2.0 Permitted & Discretionary Uses
2.3.0 Administration & Enforcement
2.4.0 Land Use District Map & Figures

2.1.0 PURPOSE, DEFINITIONS & SETBACKS

2.1.1 PURPOSE

The primary purpose of this District is to manage development around the incorporated Villages of Amisk, Czar and Hughenden and the Town of Provost and to this end all development shall require a development permit (unless otherwise stated).

This District applies to all the land within the Municipal District of Provost No. 52 as depicted on the Land Use District Maps located in Section 2.4.2.

2.1.2 DEFINITIONS

(1) "Act" means the Planning Act, R.S.A. 1980;

(2) "development" means

  (a) an excavation or stockpile and the creation of either of them,

  (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them,

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

(3) "development permit" means a document authorizing a development issued pursuant to this Bylaw;

(4) "extensive agriculture" means the extensive cultivation of land including land for grazing purposes, residences and buildings associated with this use;

(5) "highway" means

(a) a highway or proposed highway that is designated as a primary highway, or

(b) a road, street or highway designated and numbered between 900 and 999 according to the Public Highways Development Act, R.S.A. 1980;

(6) "institutional and public use" means a building, structure or parcel used for services that are owned or operated by a public/private institution or a municipal, provincial or federal corporation which provides services for the public or its members (i.e. schools, churches, cemeteries, etc.);

(7) "intensive agriculture" means a residence and systems of tillage through which one may gain livelihood from proportionally small areas of land such as, but not limited to greenhouses, market gardens, truck farming and apiaries but does not include intensive livestock feeding operations;

(8) "non-conforming building" means a building

(a) that is lawfully constructed or lawfully under construction at the date this Bylaw or any amendment thereof affecting the building is passed, and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Bylaw;

(9) "non-conforming use" means a lawful specific use

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date this Bylaw or any amendment thereof affecting the land or building becomes effective, and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with this Bylaw;

(10) "productive agricultural land" means land which has the following characteristics;

(a) municipal agricultural assessment rating of 40% or greater of the most productive land;

(b) a Canada Land Inventory Rating (C.L.I.) for Agricultural Capability of Soil of Class 4 or better which is used for pasture purposes; or

(c) land which is presently being used for agricultural purposes;

(11) "recreational use" means the use of land for recreational purposes;

(12) "rural industrial/commercial use" means any business, industry or trade carried-on in the rural area;

(13) "unsubdivided quarter section" means 160 acres (64.75 ha) of land as described under the Survey Act, R.S.A. 1980, or a lesser area of land due to the subdivision of an institutional or public use.

2.1.3 SETBACKS

(1) ROADWAYS

The minimum building setback from the center line of a roadway shall be as follows:

(a) Rural road - 125 ft. (38.1m);

(b) Secondary road 209 ft. (63.8m) or 134 ft. (40.9m) from the boundary of the future right-of-way, whichever is greater;

(c) Highway - as prescribed by Alberta Transportation according to the Highway Development Act, R.S.A. 1980; and

(d) All of the above shall be in accordance with Figures #1 through #5 in Section 2.4.1 of this Bylaw, or as approved by the Development Officer.

(2) **EXPOSURE HAZARDS**

(a) The location of an anhydrous ammonia storage tanks shall be in accordance with the requirements of the Development Officer who may evaluate such proposals based on Alberta Environment's Guidelines for the location of Stationary Bulk Ammonia Storage Facilities.

(b) Flammable liquids storage tanks at bulk plants or service stations shall be located to the satisfaction of the Development Officer in accordance with regulations under the Fire Prevention Act.

(c) Setbacks from pipelines and other utility corridors shall be at the discretion of the Development Officer in accordance with appropriate Provincial Regulations or Acts.

2.2.0 PERMITTED & DISCRETIONARY USES

2.2.1 PERMITTED USE

(1) Extensive Agriculture

(a) Minimum parcel size - unsubdivided quarter section 160 acres (64.75 ha) or where a parcel has been subdivided for a discretionary use the minimum parcel size shall be the residual.

(b) Existing extensive agricultural operations may include a rural industrial/commercial use as an associated use provided that there are no off-site employees.

(c) Accessory buildings and uses associated with extensive agricultural operations.

2.2.2 DISCRETIONARY USES

(1) Single Parcel Country Residence

(a) A single parcel from an unsubdivided quarter section shall be subject to the following criteria:

   - (i) The maximum parcel size for an undeveloped country residential site shall be 3 acres (1.21 ha);
   - (ii) In the case of existing development (i.e. farmstead), or where site conditions warrant a parcel size of greater than 3 acres (1.21 ha), the appropriate parcel size shall be determined by the Development Officer; and
   - (iii) A country residential site shall have access to an opened public road.

(2) Intensive Agriculture
   - (a) The parcel size and development standards shall be determined by the Development Officer.

(3) Rural Industrial/Commercial Use
   - (a) One site per unsubdivided quarter section may be considered.
   - (b) The parcel size and development standards shall be determined by the Development Officer.

(4) Recreation Use
   - (a) The parcel size and development standards shall be determined by the Development Officer.

(5) Institutional and Public Use
   - (a) Historical or archealogical sites identified as per the Alberta Historical Resources Act, R.S.A. 1980, shall be protected in accordance with Alberta Culture guidelines.
   - (b) For all other institutional and public uses, the parcel size and development standards shall be determined by the Development Officer.

(6) Airport and Associated Use
   - (a) The parcel size and development standards shall be determined by the Development Officer.
   - (b) Prior to the issuance of a development permit within 1/2 mile (.80km) of an airport, the Development Officer shall request comments from Alberta Municipal Affairs.

(7) Other Similar Uses
   - (a) For other uses which are similar in nature to those listed in this District, the parcel size and development standards shall be determined by the Development Officer.

(8) Accessory buildings and uses in conjunction with the above identified discretionary uses.

2.3.0 ADMINISTRATION & ENFORCEMENT

2.3.1 DEVELOPMENT OFFICER

(1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

(2) The Development Officer shall perform such duties as specified in this Bylaw.

(3) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours a copy of this Bylaw and all amendments, and shall keep a register of all applications for development, including the decisions and the reasons for those decisions.

(4) For the purposes of this Bylaw, the Development Officer is hereby declared to be an authorized employee of Council.

2.3.2 DEVELOPMENT APPEAL BOARD

Council, by Bylaw No. 1643, has established a Development Appeal Board in accordance with the Planning Act, R.S.A. 1980. This bylaw provides for the appointment of one member of the public from each electorial division to be named at the annual organizational meeting of the Municipal District.

2.3.3 DEVELOPMENT PERMITS, RULES AND PROCEDURES

(1) All applications for development permits within this District shall be submitted to the appropriate urban municipality for comments prior to rendering a decision. The Development Officer shall give due consideration to such comments but shall not be bound by them.

(2) All proposed development in this District shall require a development permit prior to the beginning of construction except for the following:

   (i) the normal maintenance and repair of existing development;
   (ii) the erection of farm fences provided that visibility from intersecting roads is not obstructed;
   (iii) temporary buildings; and
   (iv) the development, maintenance or repair of public works, services and utilities carried-out by or on behalf of the federal, provincial or municipal public authorities.

2.3.4 PERMISSION FOR DEVELOPMENT

(1) An application for a development permit shall be made to the Development Officer in writing and shall be accompanied by
   (a) a site plan showing the location of all proposed buildings,
   (b) a statement of uses, and
   (c) any other information as required by the Development Officer.

(2) Each application for a development permit shall be accompanied by a fee of
   $10.00 for permitted uses,
   $25.00 for discretionary uses, or
   No charge for agricultural uses.

(3) The Development Officer shall receive, consider and decide on all applications for a development permit.

(4) In making a decision the Development Officer may approve the application unconditionally, or impose conditions considered appropriate permanently or for a limited period of time, or refuse the application. A development permit approval is valid for a period of twelve months from the date of its issuance.

(5) Council may require that as a condition of issuing a development permit that an applicant enter into an agreement in accordance with Section 77 of the Planning Act, R.S.A. 1980.

(6) Where a development permit has been refused no similar application may be entertained for a period of six months.

(7) In the case where a proposed specific use of land or a building is not provided for in this District of the Bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.

(8) The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if in the opinion of the Development Officer

- (a) the proposed development would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
- (b) the proposed development conforms with the use prescribed for the land or building in this Bylaw.

(9) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer.

2.3.5 APPEAL PROCEDURE

(1) An appeal may be made to the Development Appeal Board where a Development Officer

- (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application,
- (b) issues a development permit with or without conditions, or
- (c) issues a stop work order under Section 2.3.6 of this Bylaw.

(2) Any person affected by the permit may appeal.

(3) Any development appeal shall be made by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the date the order, decision or permit issued by the Development Officer was publicized in accordance with the Planning Act.

(4) Within 30 days of a notice of appeal, the Development Appeal Board shall hold a public hearing on the matter.

2.3.6 CONTRAVENTION

(1) Where a Development Officer finds that a development or use of land is in contravention of this Bylaw, the Planning Act, a development permit, or a subdivision approval, the Development Officer may, by written notice to the party responsible, order

  (a) a stop to the development,

  (b) adjustment to the development to ensure its compliance, or

  (c) the demolition or removal of the contravening development.

(2) Where the responsible party fails or refuses to comply with an order directed to him under subsection (1) or an order of the Development Appeal Board under Section 85 of the Planning Act within the time specified, Council or a person appointed by it may, in accordance with Section 43 of the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.

(3) Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land.

2.3.7 APPLICATION TO AMEND BYLAW

(1) A person may apply to have this Bylaw amended by applying to the Secretary-Treasurer in writing furnishing reasons in support of the applcation and paying the required fee.

(2) All applications for amendment to this Bylaw shall be forwarded by the Secretary-Treasurer to Council, and shall also be accompanied by

  (a) the $250 application fee, part or all of which Council may determine to have returned to the applicant,

  (b) the certificate of title or other documents indicating the applicant's interest in the land affected, and

  (c) any other information as determined necessary by the Secretary-Treasurer.

(3) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to prepare an application.

(4) All amendments to this Bylaw shall conform with Part 6, Division 1 of the Planning Act on "Public Participation in Bylaws".

2.4.0 LAND USE DISTRICT MAP & FIGURES

2.4.1 The required development and building setbacks from roadways are included as FIGURES 1 to 5 which follow.

2.4.2 The extent of the Urban Fringe District is as indicated on the LAND USE DISTRICT MAPS which follow:

(1) Provost UFD;
(2) Czar UFD;
(3) Hughenden UFD; and
(4) Amisk UFD.

Figure 1

SECONDARY ROAD BOUNDARIES

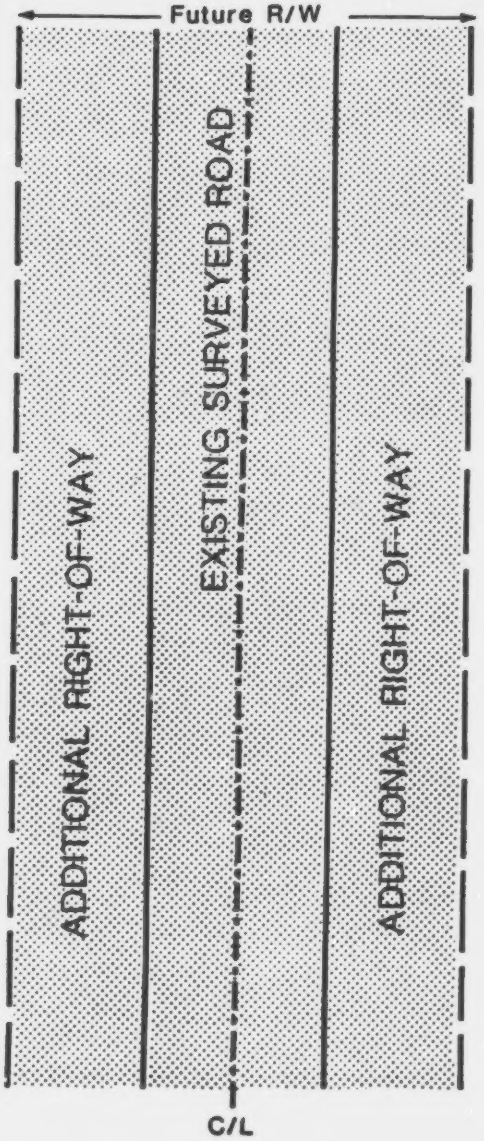


Figure 2

INTERSECTION BETWEEN SECONDARY AND RURAL ROADS

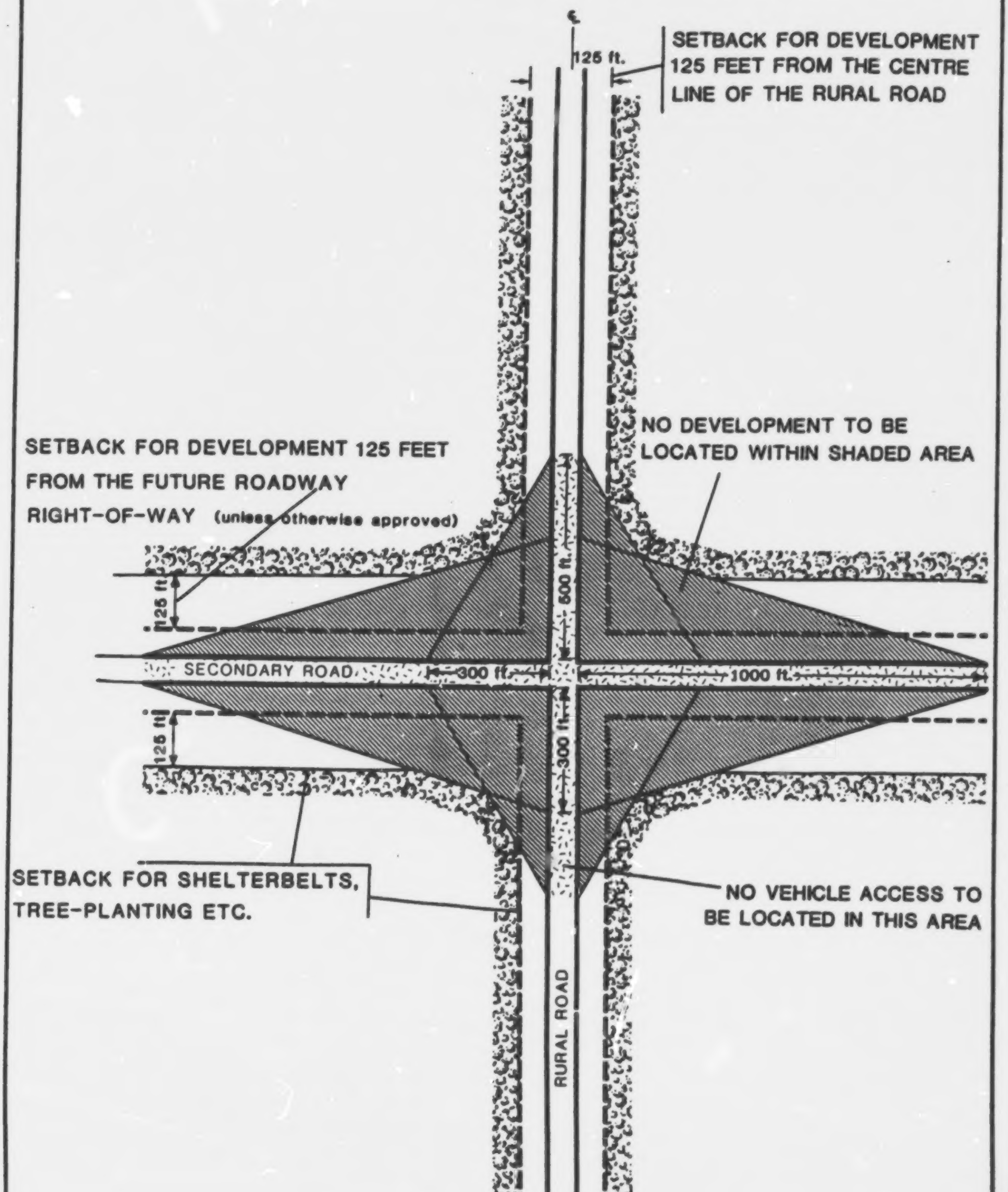
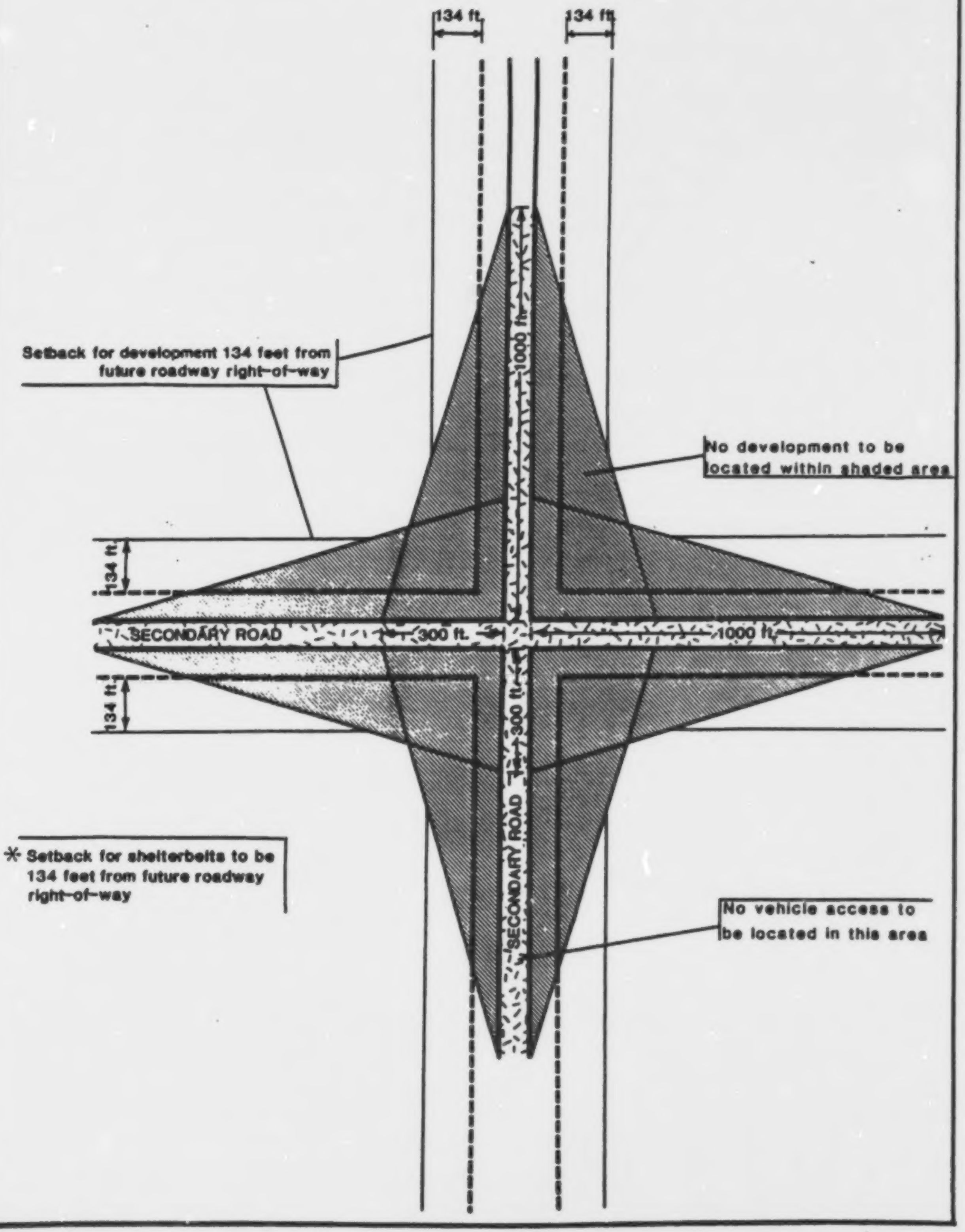

℄
125 ft.
SETBACK FOR DEVELOPMENT 125 FEET FROM THE CENTRE LINE OF THE RURAL ROAD
NO DEVELOPMENT TO BE LOCATED WITHIN SHADED AREA
SETBACK FOR DEVELOPMENT 125 FEET FROM THE FUTURE ROADWAY RIGHT-OF-WAY (unless otherwise approved)
125 ft.
500 ft.
SECONDARY ROAD
300 ft.
1000 ft.
125 ft.
300 ft.
SETBACK FOR SHELTERBELTS, TREE-PLANTING ETC.
NO VEHICLE ACCESS TO BE LOCATED IN THIS AREA
RURAL ROAD

Figure 3

INTERSECTION BETWEEN TWO SECONDARY ROADS



Setback for development 134 feet from future roadway right-of-way

No development to be located within shaded area

* Setback for shelterbelts to be 134 feet from future roadway right-of-way

No vehicle access to be located in this area

Figure 4
DEGREE OF CURVATURE GREATER THAN 2 DEGREES

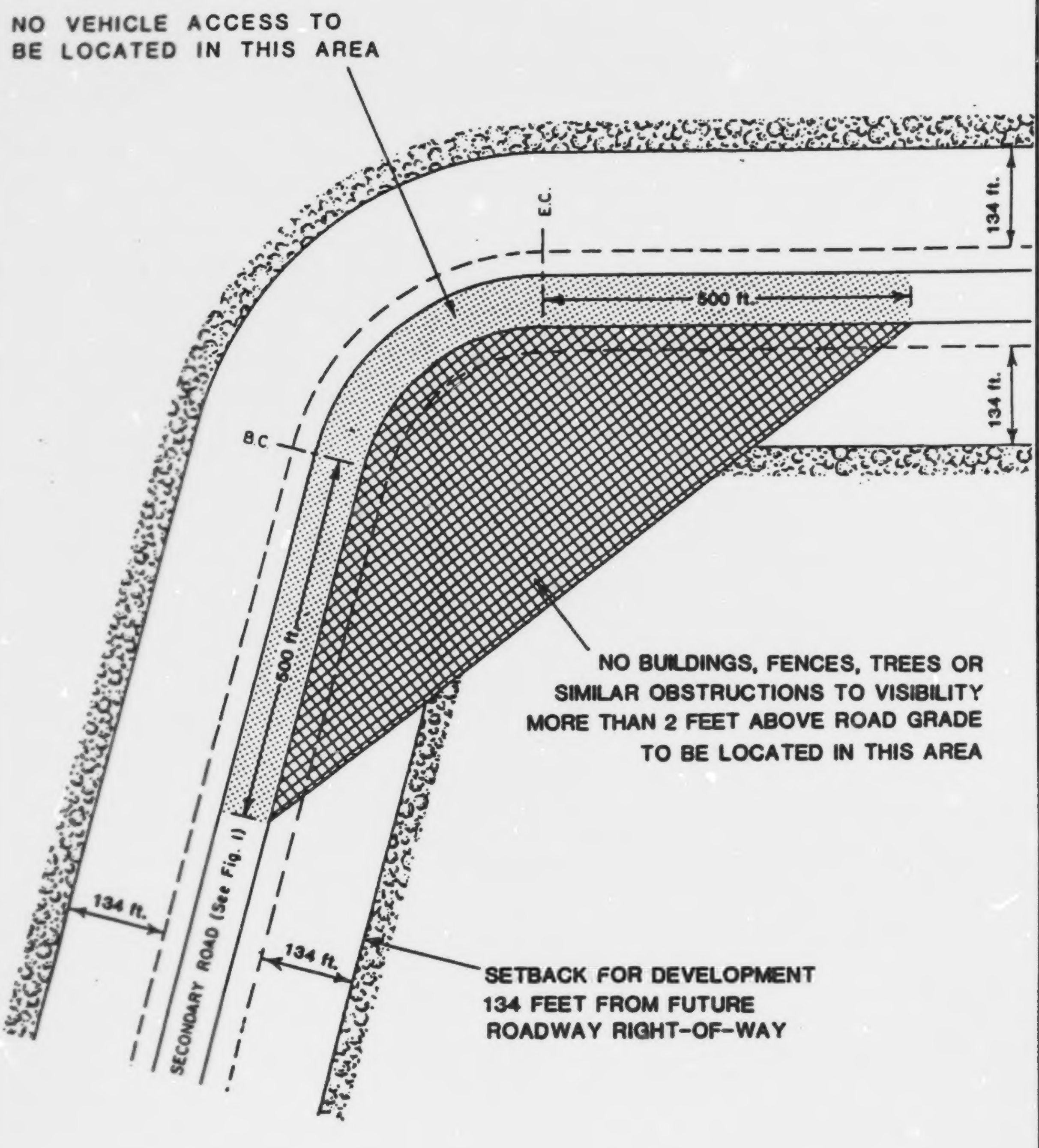
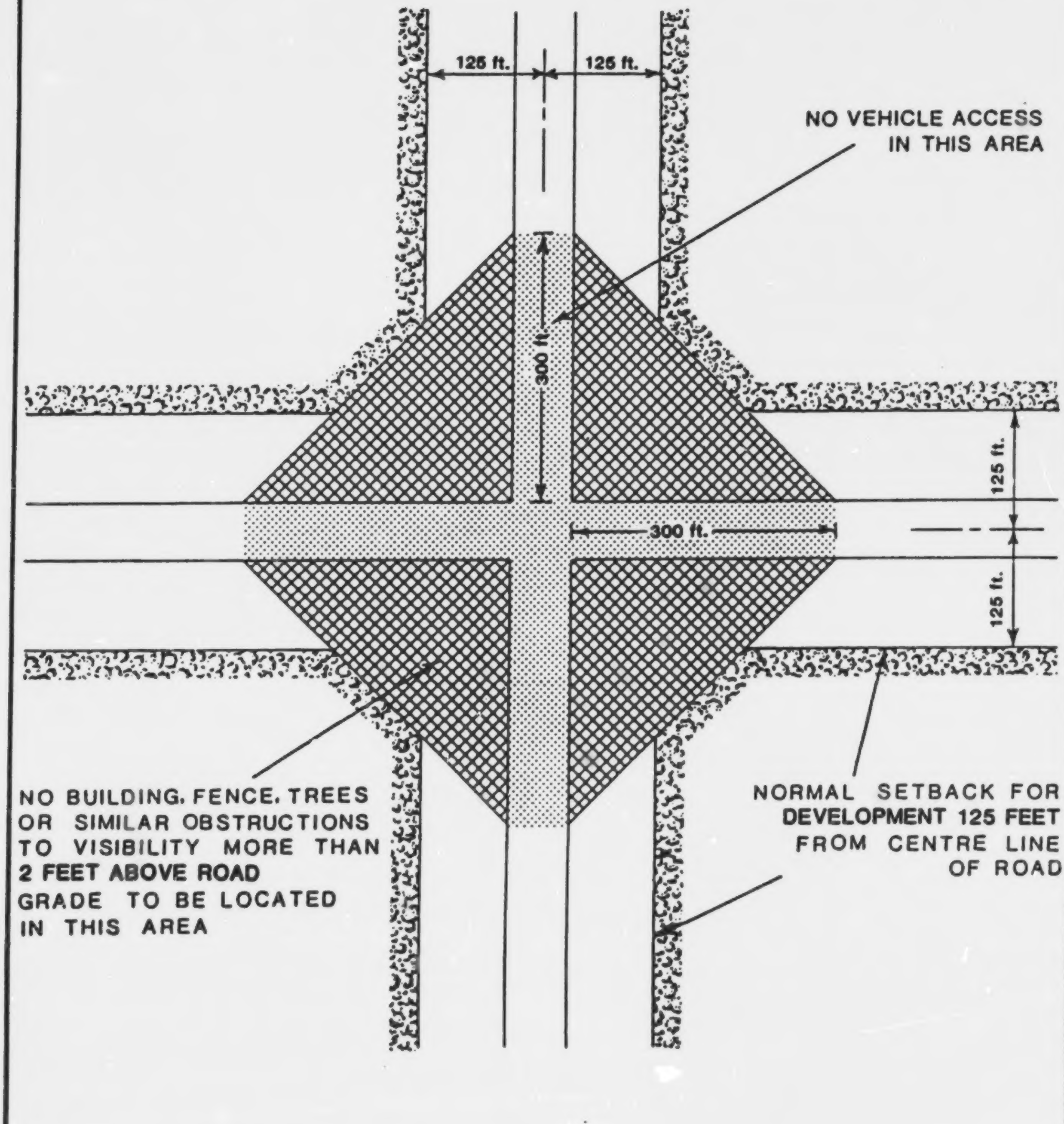

NO VEHICLE ACCESS TO BE LOCATED IN THIS AREA
E.C.
134 ft.
500 ft.
134 ft.
B.C.
500 ft.
NO BUILDINGS, FENCES, TREES OR SIMILAR OBSTRUCTIONS TO VISIBILITY MORE THAN 2 FEET ABOVE ROAD GRADE TO BE LOCATED IN THIS AREA
134 ft.
SECONDARY ROAD (See Fig. I)
134 ft.
SETBACK FOR DEVELOPMENT 134 FEET FROM FUTURE ROADWAY RIGHT-OF-WAY

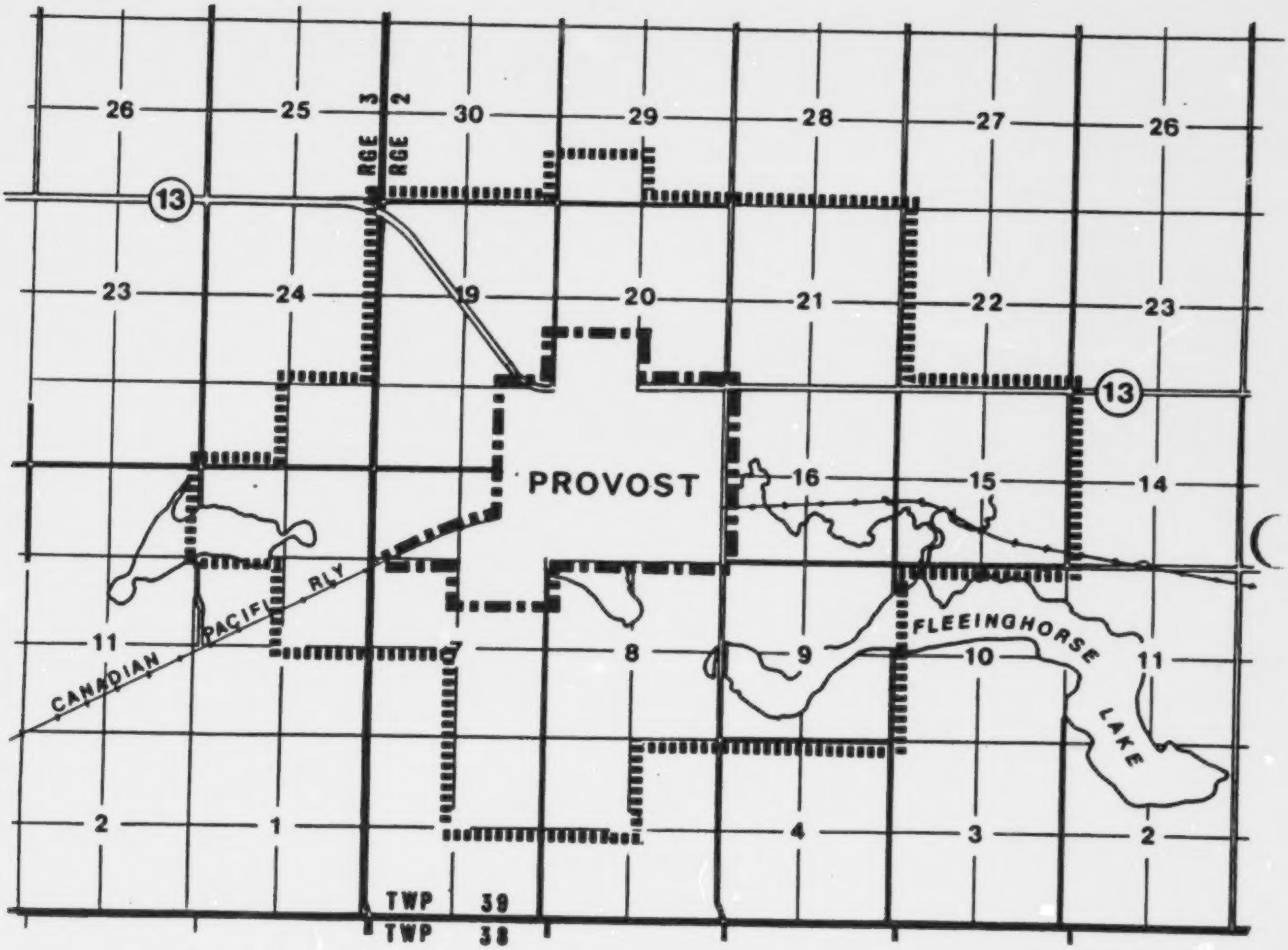
Figure 5.

LOCATION OF BUILDING AT RURAL ROAD INTERSECTION AND RURAL HIGHWAY CURVES


125 ft.
125 ft.
NO VEHICLE ACCESS IN THIS AREA
300 ft.
125 ft.
300 ft.
125 ft.
NO BUILDING, FENCE, TREES OR SIMILAR OBSTRUCTIONS TO VISIBILITY MORE THAN 2 FEET ABOVE ROAD GRADE TO BE LOCATED IN THIS AREA
NORMAL SETBACK FOR DEVELOPMENT 125 FEET FROM CENTRE LINE OF ROAD

2.4.2 (1) LAND USE DISTRICT MAP

URBAN FRINGE DISTRICT - TOWN OF PROVOST

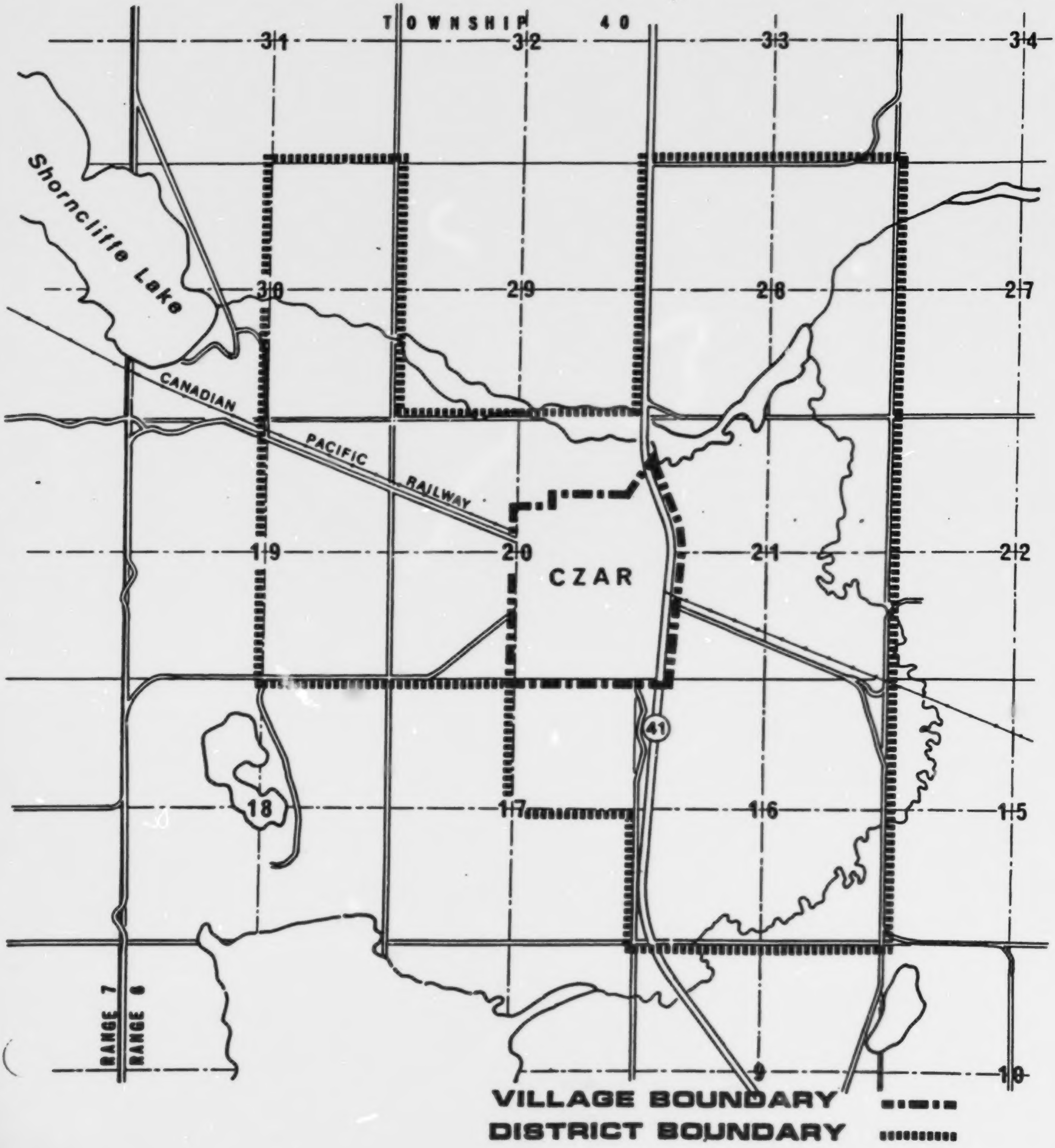


TOWN BOUNDARY ▬·▬·▬·▬

DISTRICT BOUNDARY ┅┅┅┅┅┅

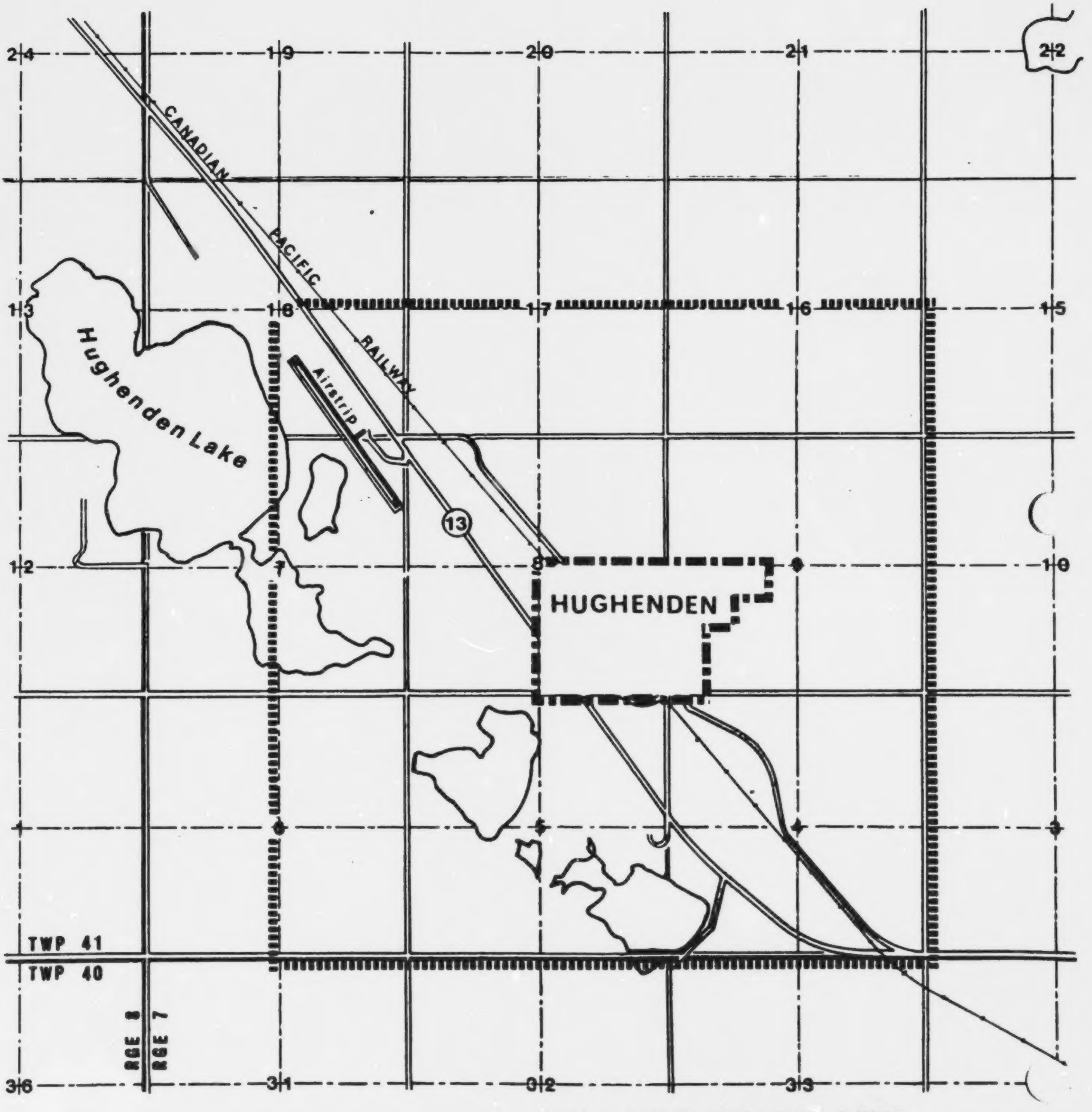
2.4.2 (2) LAND USE DISTRICT MAP

URBAN FRINGE DISTRICT - CZAR



2.4.2(3) LAND USE DISTRICT

URBAN FRINGE DISTRICT - HUGHENDEN

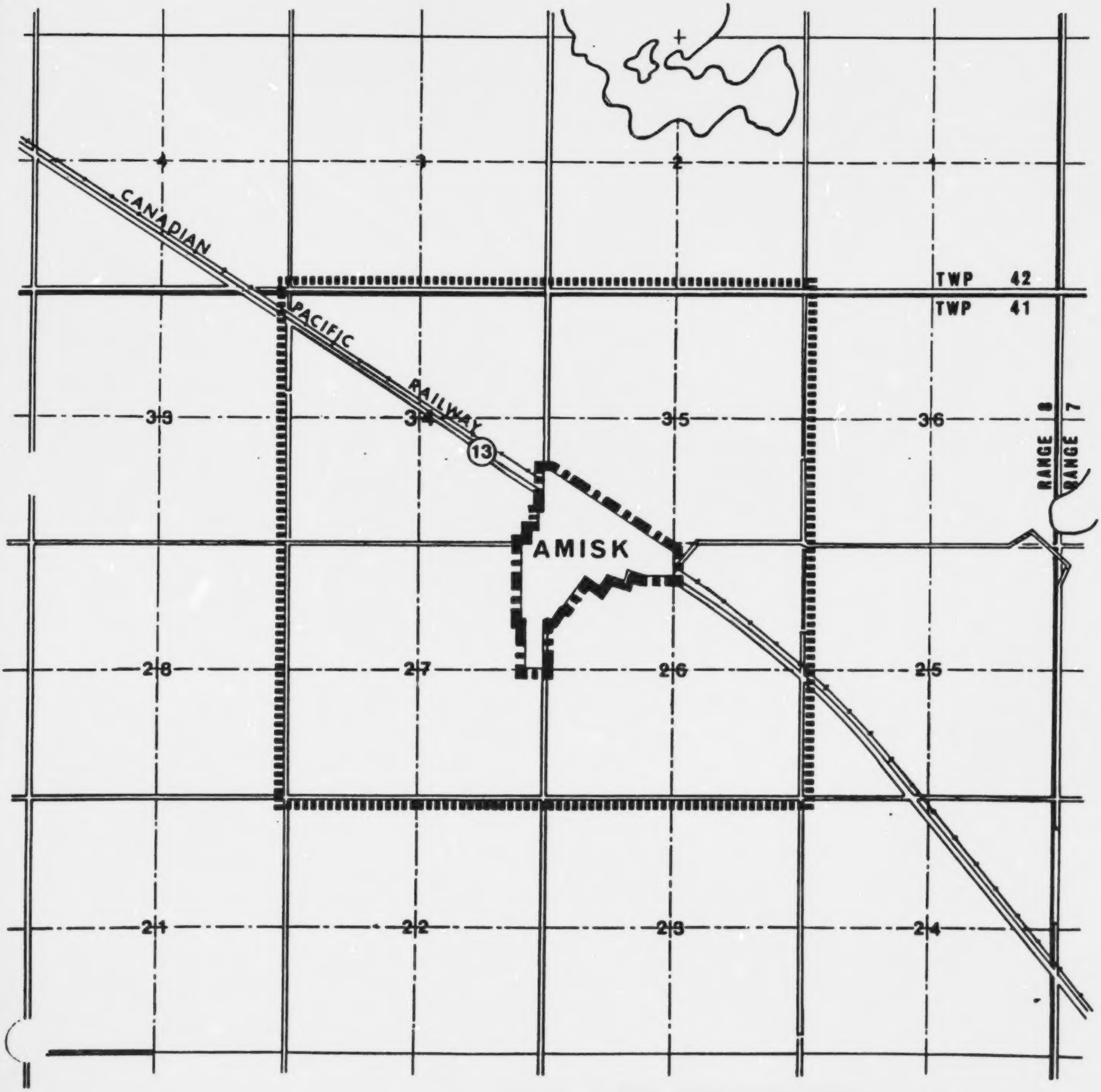


VILLAGE BOUNDARY ▬·▬·▬·▬

DISTRICT BOUNDARY ||||||||||||||||

2.4.2 (4) LAND USE DISTRICT

URBAN FRINGE DISTRICT - AMISK



VILLAGE BOUNDARY ▬▪▬▪▬

DISTRICT BOUNDARY ▮▮▮▮▮▮

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

HAMLET DISTRICTS

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

3.0 HAMLET DISTRICTS

3.1.0 Purpose & Definitions
3.2.0 General Development Provisions
3.3.0 Administration & Enforcement
3.4.0 Cadogan Land Use Districts & Map
3.5.0 Metiskow Land Use Districts & Map
3.6.0 Bodo Land Use Districts & Map
3.7.0 Hayter Land Use Districts & Map
3.8.0 Rosyth and Cairns Land Use District & Maps

3.1.0 PURPOSE & DEFINITIONS

3.1.1 PURPOSE

The primary purpose of this District is to regulate development within the Hamlets of Cadogan, Metiskow, Bodo, Hayter, Rosyth and Cairns and to this end all development shall require a development permit (unless otherwise stated).

This District applies to all the land within the Municipal District of Provost No. 52 as depicted on the individual Hamlet Land Use District Maps.

3.1.2 DEFINITIONS

(1) "Act" means the Planning Act, R.S.A. 1980;

(2) "development" means

(a) an excavation or stockpile and the creation of either of them;

(b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them;

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

(3) "development permit" means a document authorizing a development issued pursuant to this Bylaw;

(4) "duplex" means two dwelling units sharing a common wall, and located side by side or one above the other;

(5) "front yard" means a yard extending across the full width of a parcel from the front line of the parcel to the front wall of the main building situated on the parcel and the front yard, where the parcel is a corner parcel fronting onto two roads, shall be decided by the Development Officer;

(6) "hamlet commercial" means those uses where services and merchandise are sold or stored for resale to the general public. This may include, but is not limited to the following: automobile/truck sales, services or repair, bakeries, barber shops, drive-ins, eating and entertaining establishments, garages - public or private, grocery stores, offices, pet shops and other similar uses;

(7) "hamlet industrial" means those uses which require relatively small parcels of land and where established in a hamlet will not be abnoxious by way of noise, odour or fumes. This may include but is not limited to the following: assembling, cleaning, repairing, servicing, storage, testing and warehousing;

(8) "home occupation" means any trade, business, profession or occupation carried on, for which renumeration or profit is normally a consideration, in a dwelling unit or accessory building, which is secondary to the primary use;

(9) "institutional and public use" means a building, structure, parcel or lot used for services that are owned or operated by a public/private institution or a municipal, provincial or federal corporation, which provides services for the public or its members;

(10) "non-conforming building" means a building
  (a) that is lawfully constructed or lawfully under construction at the date this Bylaw or any amendment thereof affecting the building is passed, and
  (b) that on the date this Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Bylaw;

(11) "non-conforming use" means a lawful specific use
  (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date this Bylaw or any amendment thereof affecting the land or building becomes effective, and
  (b) that on the date this Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with this Bylaw;

(12) "one family dwelling" (O.F.D.) means a single family dwelling suitable as a residence and used as a single common unit separated by open space from any other structure except an accessory building, and supported on a permanent or a semi-permanent foundation as approved by the Development Officer, which may also include a mobile home;

(13) "rear yard" means a yard extending across the full width of the parcel from the rear wall of the main building situated on the parcel to the rear line of the parcel;

(14) "side yard" means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building, and lying between the side line of the parcel and the side wall of the main building.

3.2.1 GENERAL DEVELOPMENT PROVISIONS

(1) In the case where a proposed specific use of land or a building is not provided for, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.

(2) The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if in the opinion of the Development Officer

  (a) the proposed development would not

    (i) unduly interfere with the amenities of the neighbourhood, or

    (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and

  (b) the proposed development conforms with the use prescribed for the land or building in this Bylaw.

(3) A development permit may include conditions relating to the appearance of development such as fencing, landscaping, screening, and restricting objects in yards.

(4) The maximum site coverage for residential development is 30% for the main building and 15% for accessory buildings, for non-residential development is 80% and, notwithstanding the above, the maximum site coverage of any land use is to the discretion of the Development Officer.

(5) Sanitary facilities in any proposed development shall be to the satisfaction of the Development Officer who shall request comments from the Local Health Unit relating to matters pursuant to the Plumbing and Drainage Regulations.

(6) No fur bearing animals, fowl or livestock other than domestic pets may be kept on a residential parcel or mobile home park stall.

(7) Unless a development permit has been issued for such uses, no person shall keep in any part of a yard

  (a) any dismantled or wrecked vehicles(s) for more than 14 successive days,

(b) any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district, or

(c) any excavation, storage or piling up of materials required during the constructon stage unless all necessary safety measures are undertaken.

(8) The preparation of an outline plan showing the road network and block land use pattern shall be required prior to the approval of a subdivision of land in any hamlet reserve district.

3.3.0 ADMINISTRATION & ENFORCEMENT

3.3.1 DEVELOPMENT OFFICER

(1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

(2) The Development Officer shall perform such duties as specified in this Bylaw.

(3) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours a copy of this Bylaw and all amendments, and shall keep a register of all applications for development, including the decisions and the reasons for those decisions.

(4) For the purposes of this Bylaw, the Development Officer is hereby declared to be an authorized employee of Council.

3.3.2 DEVELOPMENT APPEAL BOARD

Council, by Bylaw No. 1643, has established a Development Appeal Board in accordance with the Planning Act, R.S.A. 1980. This bylaw provides for the appointment of one member of the public from each electorial division to be named at the annual organizational meeting of the Municipal District.

3.3.3 DEVELOPMENT PERMITS, RULES AND PROCEDURES

(1) All development in this District shall require a development permit prior to the beginning of construction except for the following:

- (i) the normal maintenance and repair of existing development;
- (ii) the erection of farm fences provided that visibility from intersection roads is not obstructed;
- (iii) temporary buildings; and
- (iv) the development, maintenance or repair of public works, services and utilities carried-out by or on behalf of the federal, provincial or municipal public authorities.

3.3.4 PERMISSION FOR DEVELOPMENT

(1) An application for a development permit shall be made to the Development Officer in writing and shall be accompanied by

- (a) a site plan showing the location of all proposed buildings,
- (b) a statement of proposed use, and
- (c) any other information as required by the Development Officer.

(2) Each application for a development permit shall be accompanied by a fee of:

$10.00 for permitted uses;
$25.00 for discretionary uses; or
No charge for agricultural uses.

(3) The Development Officer shall receive, consider and decide on all applications for a development permit.

(4) In making a decision the Development Officer may approve the application unconditionally, or impose conditions considered appropriate permanently or for a limited period of time, or refuse the application. A development permit approval is valid for a period of twelve months from the date of its issuance.

(5) Council may require that as a condition of issuing a development permit that an applicant enter into an agreement in accordance with Section 77 of the Planning Act, R.S.A. 1980.

(6) Where a development permit has been refused no similar application may be entertained for a period of six months.

(7) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not make on it by the Development Officer within 40 days after receipt of the application by the Development Officer.

3.3.5 APPEAL PROCEDURE

(1) An appeal may be made to the Development Appeal Board where a Development Officer
   (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application,
   (b) issues a development permit with or without conditions, or
   (c) issues a stop work order under Section 3.3.6 of this Bylaw.

(2) Any person affected by the permit may appeal.

(3) Any development appeal shall be made by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the date the order, decision or permit issued by the Development Officer was publicized in accordance with the Planning Act.

(4) Within 30 days of a notice of appeal, the Development Appeal Board shall hold a public hearing on the matter.

3.3.6 CONTRAVENTION

(1) Where a Development Officer finds that a development or use of land is in contravention of this Bylaw, the Planning Act, a development permit, or a subdivision approval, the Development Officer may, by written notice to the party responsible, order
   (a) a stop to the development,
   (b) adjustment to the development,or
   (c) the demolition or removal of the contravening development.

(2) Where the responsible party fails or refuses to comply with an order directed to him under subsection (1) or an order of the Development Appeal Board under Section 85 of the Planning Act within the time specified, Council or a person appointed by it may, in accordance with Section 43 of the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.

(3) Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land.

3.3.7 APPLICATION TO AMEND BYLAW

(1) A person may apply to have this Bylaw amended by applying to the Secretary-Treasurer in writing furnishing reasons in support of the application and paying the required fee.

(2) All applications for amendment to this Bylaw shall be forwarded by the Municipal Secretary-Treasurer to Council, and shall also be accompanied by

  (a) the $250 application fee, part or all of which Council may determine to have returned to the applicant,

  (b) the certificate of title or other documents indicating the applicant's interest in the land affected, and

  (c) any other information as determined necessary by the Secretary-Treasurer.

(3) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to prepare an application.

(4) All amendments to this Bylaw shall conform with Part 6, Division 1 of the Planning Act on "Public Participation in Bylaws".

3.4.0 CADOGAN LAND USE DISTRICTS & MAP

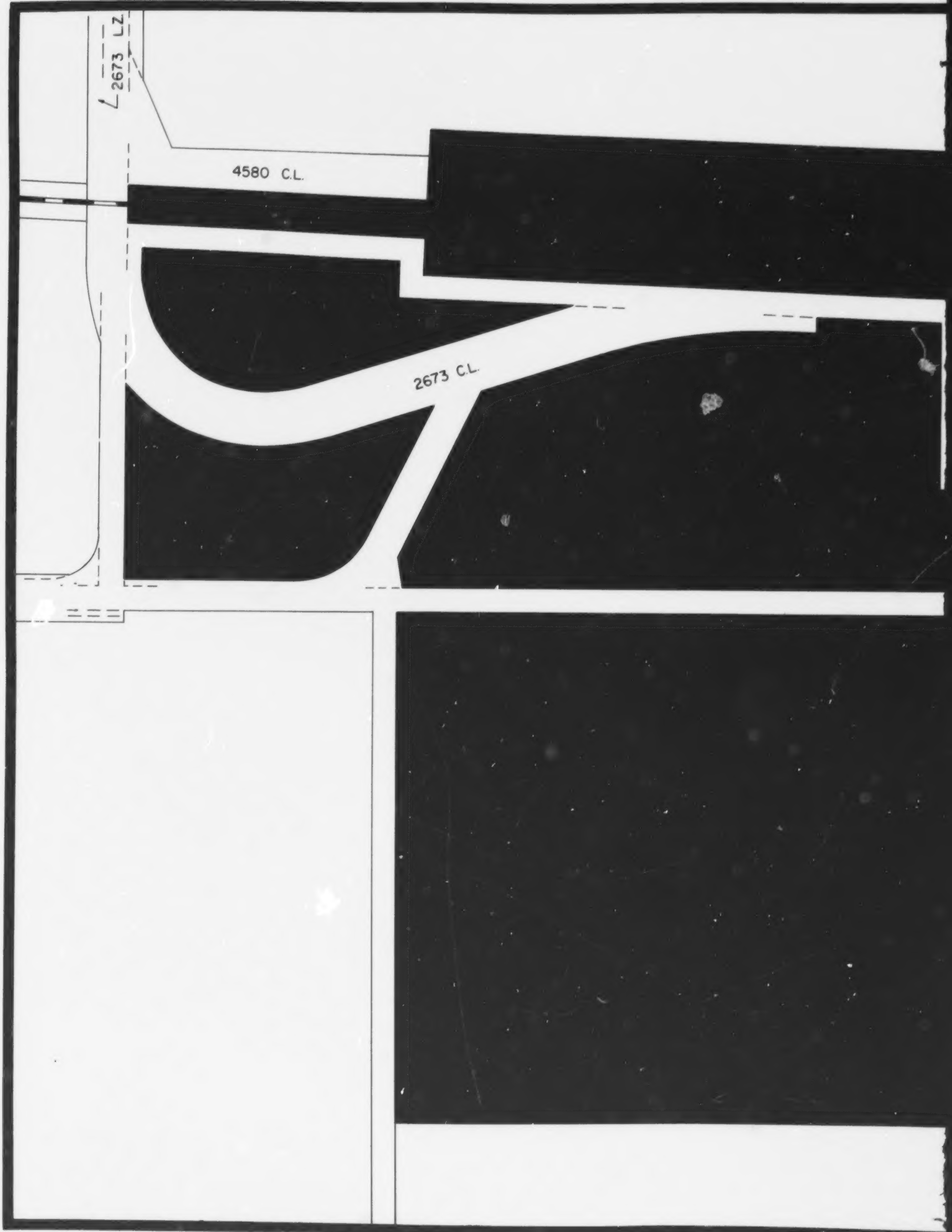
3.4.1 **PURPOSE:** The General Purpose of this District is to allow for a wide range of land uses within the Hamlet of Cadogan.

3.4.2 **DISTRICT BOUNDARIES:** This District applies to all the land within the M.D. of Provost as depicted on the Hamlet of Cadogan Land Use District Map.

3.4.3 REGULATIONS

LAND USE DISTRICTS	PERMITTED USES	DISCRETIONARY USES	MINIMUM LOT SIZE	MINIMUM SETBACK REQUIREMENTS	MINIMUM FLOOR AREA
RESIDENTIAL 'R'	(1) One family dwelling (2) Mobile home (3) Accessory building and use	(1) Moved-in residential building (2) Duplex (3) Multiple Unit (4) Home Occupation (5) Public and Institutional use (6) Other similar use (7) Accessory building and use	(1) One family dwelling, mobile home and moved-in residential building - 5,000 sq. ft. and 50 ft. frontage. (2) Above and other uses to the discretion of the D.O.	(1) Front yard - 20 feet (2) Rear yard - 25 feet (3) Side yard - 10% of lot width and 5 feet minimum (4) Above to the discretion of D.O	(1) One family dwelling, mobile home and moved-in residential building - 700 sq. ft. (2) Other uses to the discretion of the D.O.
HAMLET COMMERCIAL 'C'	(1) Retail store (2) Office (3) Financial service (4) Personal service (5) Accessory building and use	(1) One family dwelling and mobile home (2) Dwelling associated with commercial use (3) Service and repair use (4) Hotel/Motel (5) Public and Institutional use (6) Accessory building and use (7) Other similar use	(1) Minimum frontage - 25 feet (2) Minimum site area - 2,500 sq. ft. (3) One family dwelling and mobile home as in Residential District (4) Above and other uses to the discretion of the D.O.	(1) One family dwelling and mobile home as in Residential District. (2) All other uses to the discretion of the D.O.	(1) One family dwelling and mobile home as in Residential District. (2) All other uses to the discretion of the D.O.
HAMLET INDUSTRIAL 'M'	(1) Grain Elevator (2) Bulk Fuel Dealer (3) Warehouse and Storage use (4) Manufacturing (5) Accessory building and use	(1) Building supplies (2) Farm machinery (3) Auto sales and service (4) Auction Mart (5) Accessory building and use (6) Other similar use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.
PUBLIC INSTITUTIONAL 'P/I'	(1) Park and playground (2) School (3) Church (4) Accessory building and use	(1) Government facility (2) Utility facility (3) Community Organiztion facility (4) Accessory building and use (5) Other similar use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.
HAMLET RESERVE 'HR'	(1) One family dwelling or mobile home on existing lot only (2) Extensive agriculture (3) Accessory building and use	(1) Public and Institutional use (2) Temporary building and use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.

AMLET FRINGE The Hamlet Fringe Area shall include the balance of S½ 1-39-4-W4M, as well as S.W. 2-39-4-W4M, S.E. 6-39-3-W4M, N 36-38-4-W4M and N.E. 35-38-4-W4M. Land use within this area shall be as stipulated within the Agricultural District, except that no new intensive livestock feeding operation shall be established.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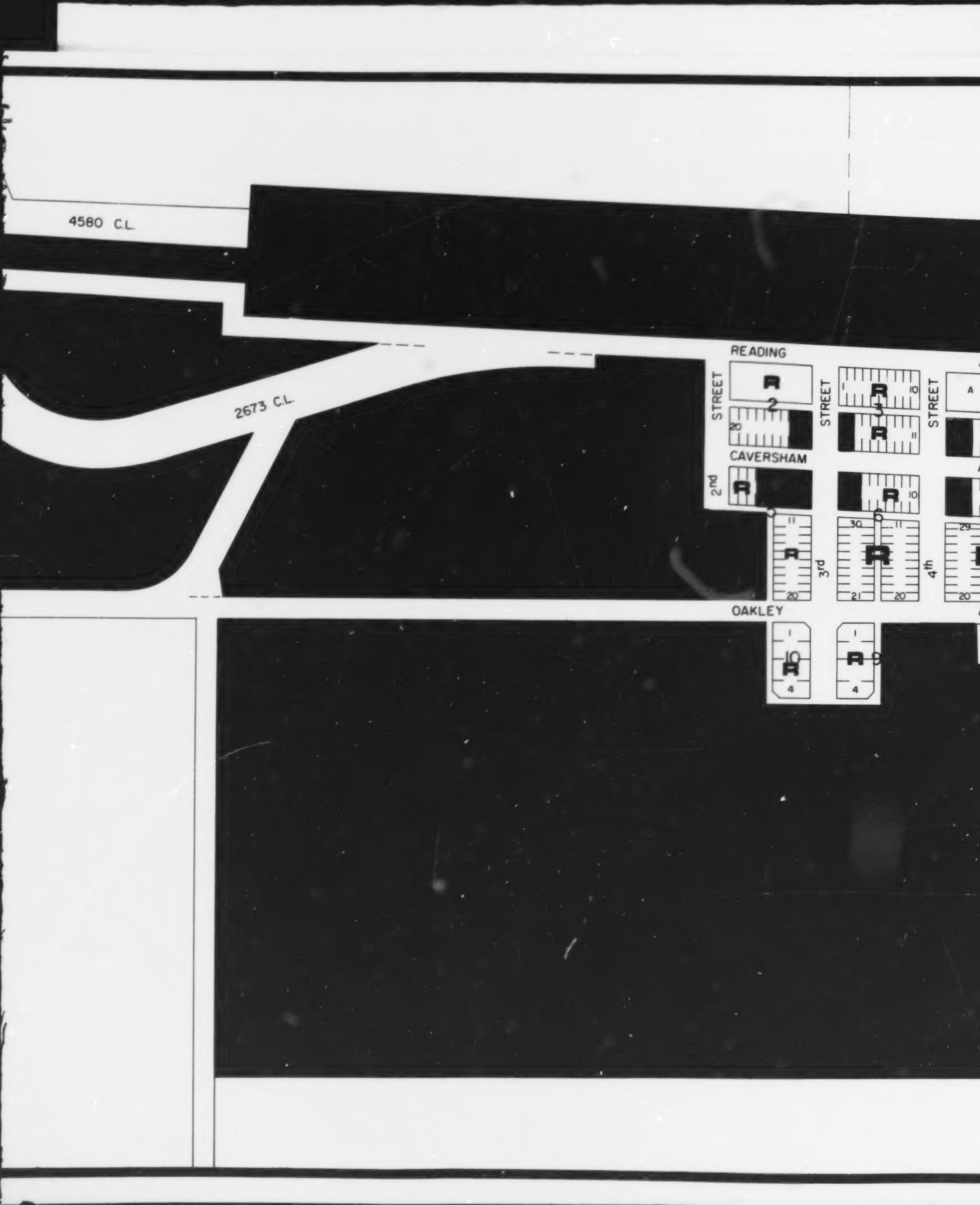
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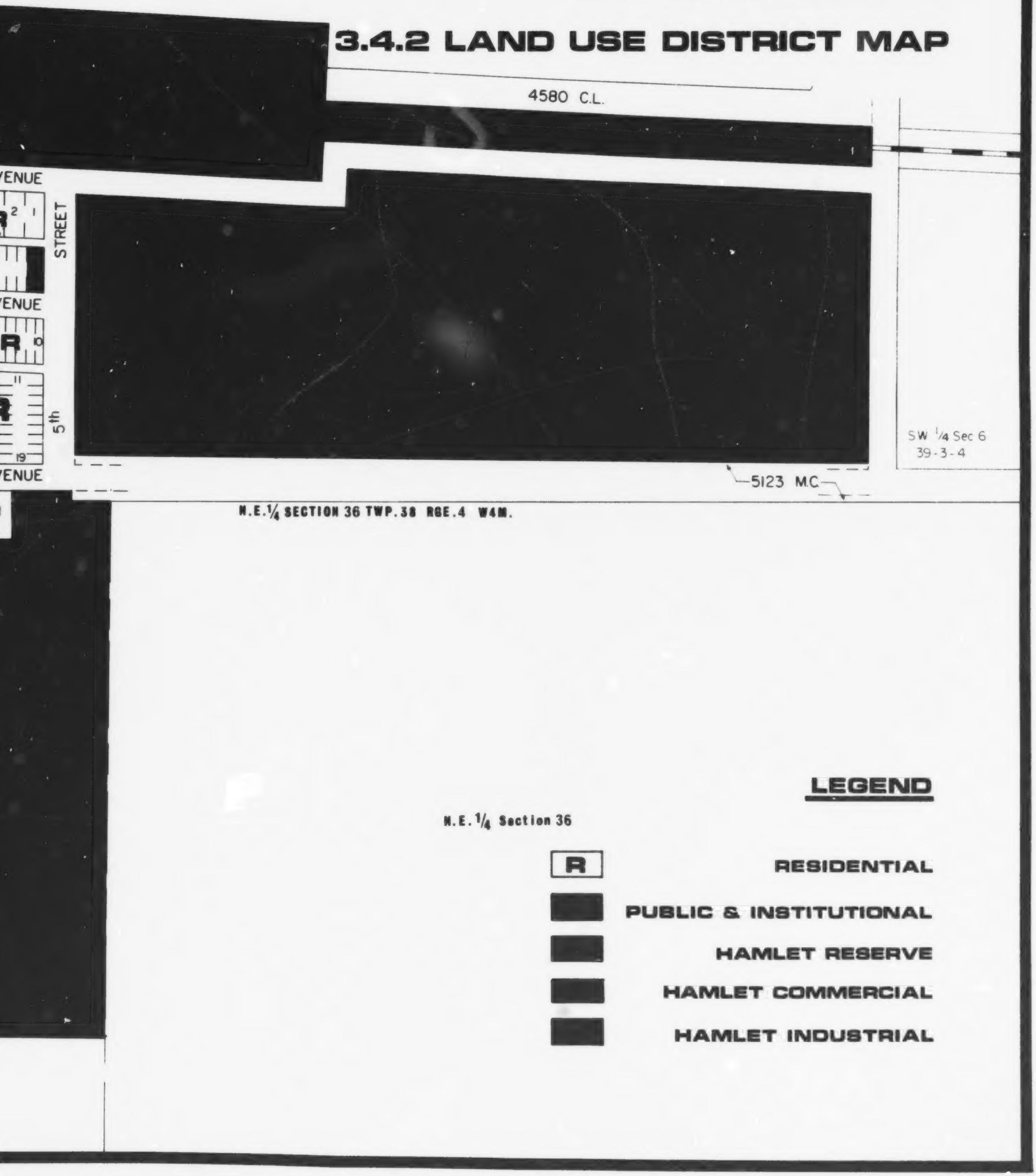
HAMLET OF

CADOGAN

3.4.2 LAND USE DISTRICT MAP



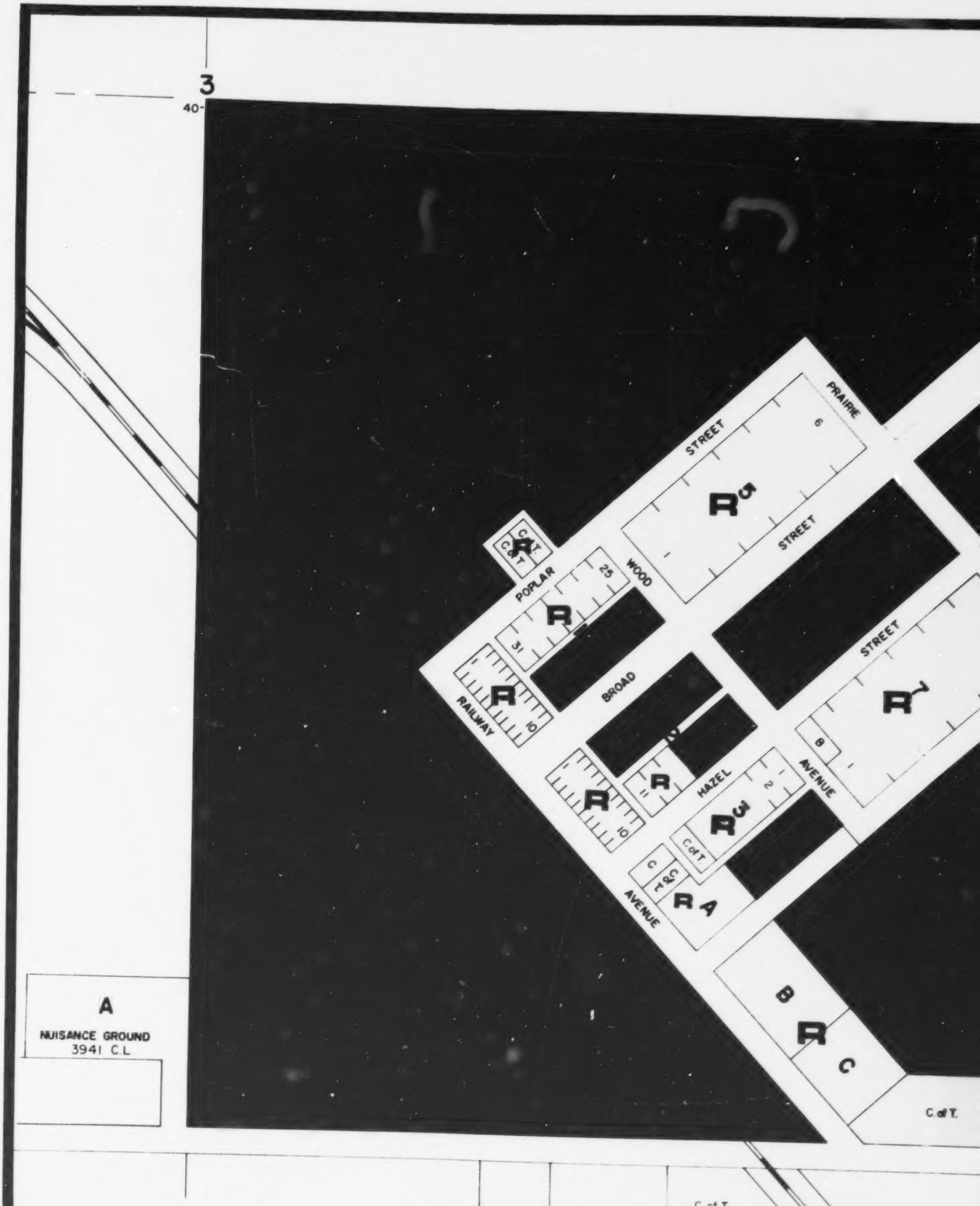
3.5.0 METISKOW LAND USE DISTRICTS & MAP

3.5.1 **PURPOSE**: The General Purpose of this District is to allow for a wide range of land uses within the Hamlet of Metiskow.

3.5.2 **DISTRICT BOUNDARIES** This District applies to all the land within the M.D. of Provost as depicted on the Hamlet of Metiskow Land Use District Map.

3.5.3 REGULATIONS

LAND USE DISTRICTS	PERMITTED USES	DISCRETIONARY USES	MINIMUM LOT SIZE	MINIMUM SETBACK REQUIREMENTS	MINIMUM FLOOR AREA
RESIDENTIAL 'R'	(1) One family dwelling (2) Mobile home (3) Accessory building and use	(1) Moved-in residential building (2) Duplex (3) Multiple Unit (4) Home Occupation (5) Public and Institutional use (6) Other similar use (7) Accessory building and use	(1) One family dwelling, mobile home and moved-in residential building - 5,000 sq. ft. and 50 ft. frontage. (2) Above and other uses to the discretion of the D.O.	(1) Front yard - 20 feet (2) Rear yard - 5 feet (3) Side yard - 10% of lot width and 5 feet minimum (4) Above to the discretion of D.O	(1) One family dwelling, mobile home and moved-in residential building floor area - 600 sq. ft. (2) Other uses to the discretion of the D.O
HAMLET COMMERCIAL 'C'	(1) Retail store (2) Office (3) Financial service (4) Personal service (5) Accessory building and use	(1) One family dwelling and mobile home (2) Dwelling associated with commercial use (3) Service and repair use (4) Hotel/Motel (5) Public and Institutional use (6) Accessory building and use (7) Other similar use	(1) Frontage - 25 feet (2) Site area - 2500 sq. ft. (3) One family dwelling and mobile home as in Residential District (4) Above and other uses to the discretion of the D.O.	(1) One family dwelling and mobile home as in Residential District. (2) To the discretion of D.O.	(1) One family dwelling and mobile home as in Residential District. (2) To the discretion of the D.O.
HAMLET INDUSTRIAL 'M'	(1) Grain Elevator (2) Bulk Fuel Dealer (3) Warehouse and Storage use (4) Manufacturing (5) Accessory building and use	(1) Building supplies (2) Farm machinery (3) Auto sales and service (4) Auction Mart (5) Accessory building and use (6) Other similar uses	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.
PUBLIC INSTITUTIONAL 'P/I'	(1) Park and playground (2) School (3) Church (4) Accessory building and use	(1) Government facility (2) Utility facility (3) Community Organization facility (4) Accessory building and use (5) Other similar use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.
HAMLET RESERVE 'HR'	(1) One family dwelling or mobile home on existing lot only (2) Extensive agriculture (3) Accessory building and use	(1) Public and Institutional use (2) Temporary building and use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.
MLET FRINGE					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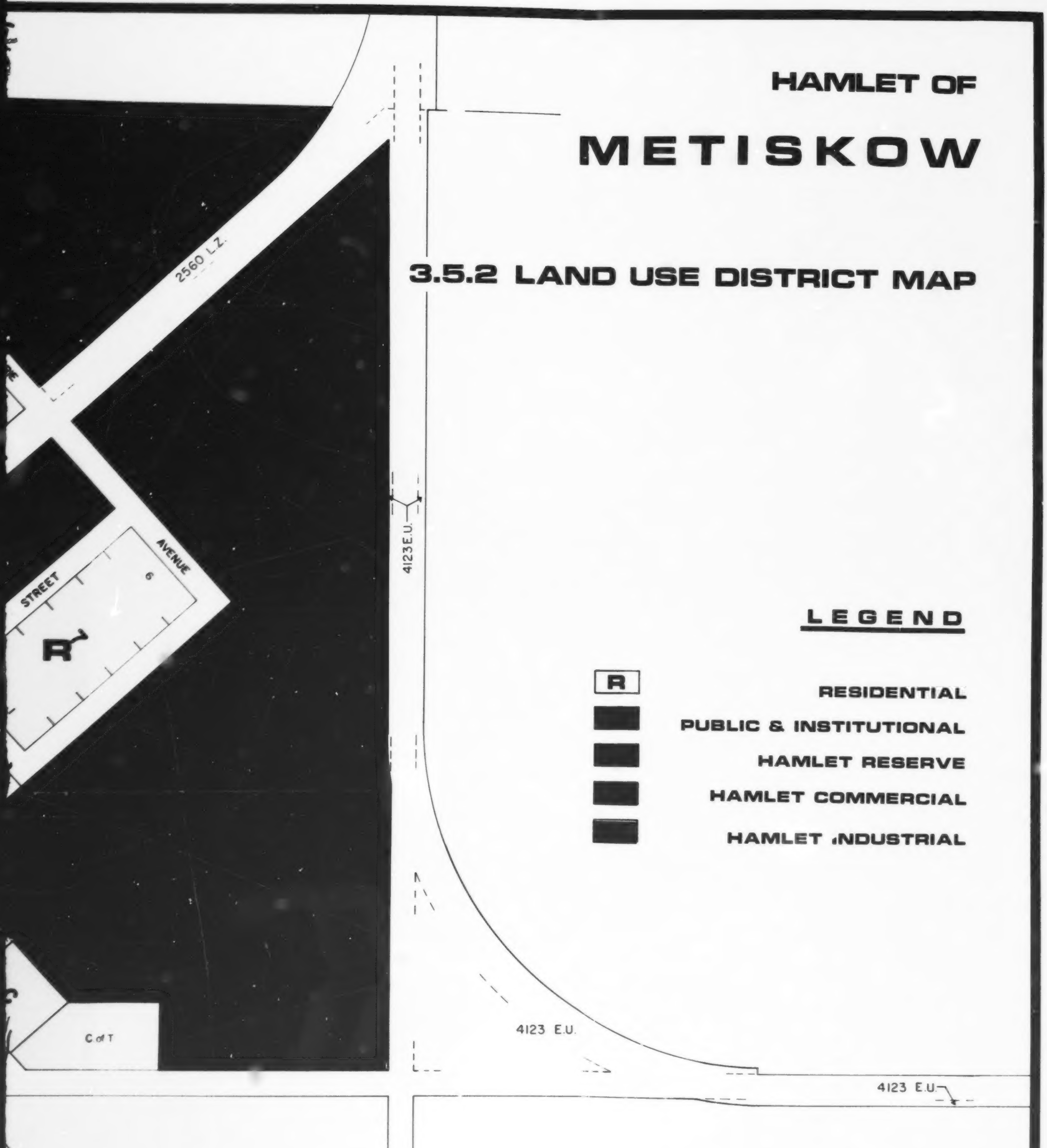


HAMLET OF

METISKOW

3.5.2 LAND USE DISTRICT MAP

LEGEND

R	RESIDENTIAL
■	PUBLIC & INSTITUTIONAL
■	HAMLET RESERVE
■	HAMLET COMMERCIAL
■	HAMLET INDUSTRIAL

3.6.0 BODO LAND USE DISTRICTS & MAP

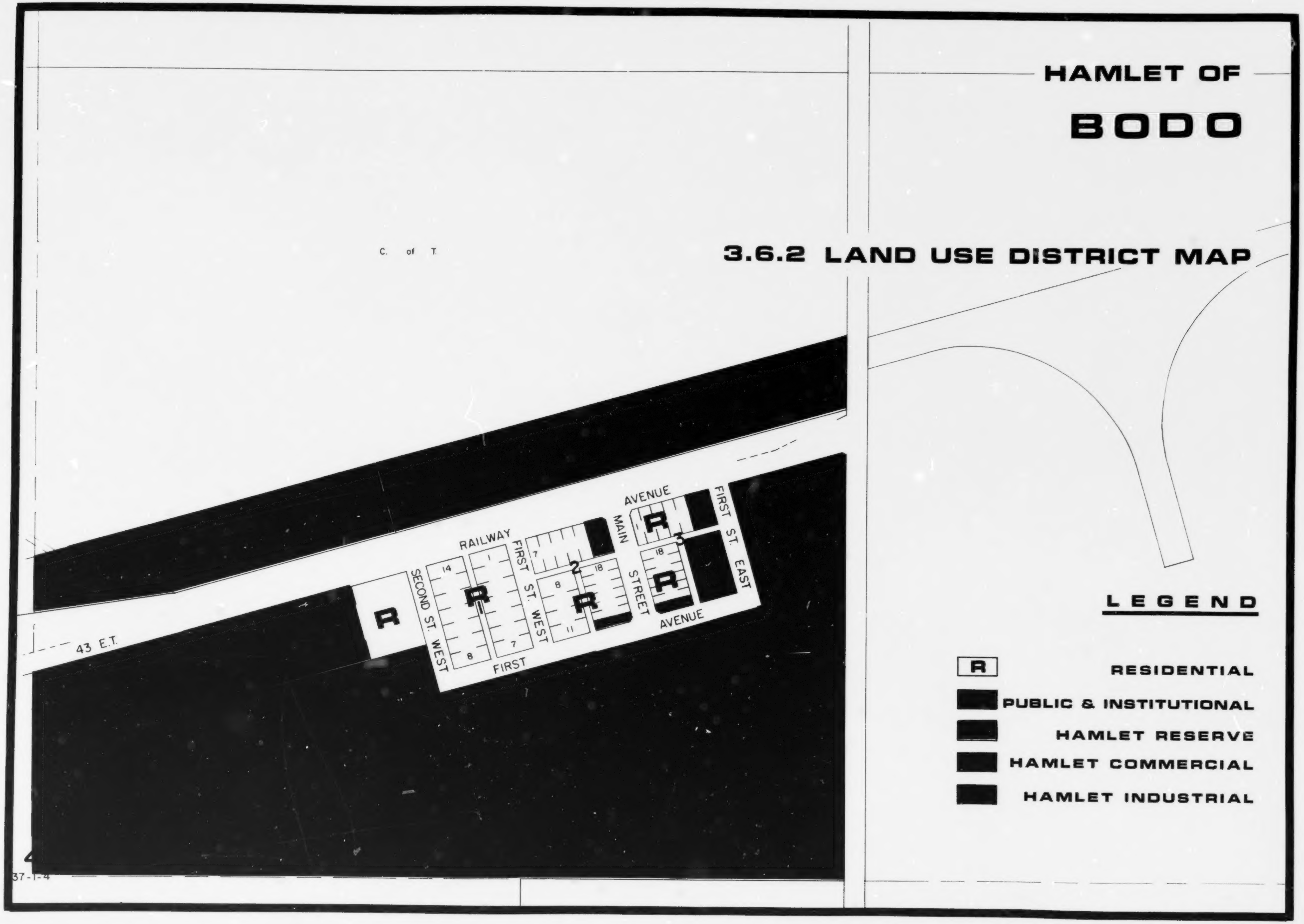
3.6.1 **PURPOSE**: The General Purpose of this District is to allow for a wide range of land uses within the Hamlet of Bodo.

3.6.2 **DISTRICT BOUNDARIES**: This District applies to all the land within the M.D. of Provost as depicted on the Hamlet of Bodo Land Use District Map.

3.6.3 REGULATIONS

LAND USE DISTRICTS	PERMITTED USES	DISCRETIONARY USES	MINIMUM LOT SIZE	MINIMUM SETBACK REQUIREMENTS	MINIMUM FLOOR AREA
RESIDENTIAL 'R'	(1) One family dwelling (2) Mobile home (3) Accessory building and use	(1) Moved-in residential building (2) Duplex (3) Multiple Unit (4) Home Occupation (5) Public and Institutional use (6) Other similar use (7) Accessory building and use	(1) One family dwelling, mobile home and moved-in residential building - 15,000 sq. ft. and 100 ft. frontage. (2) To the discretion of the D.O.	(1) Front yard - 20 feet (2) Rear yard - 25 feet (3) Side yard - 10% of lot width and 5 feet minimum (4) Above to the discretion of D.O.	(1) One family dwelling, mobile home and moved-in residential buildings - minimum floor area 700 sq ft (2) Other uses to the discretion of the D.O.
HAMLET COMMERCIAL 'C'	(1) Retail store (2) Office (3) Financial service (4) Personal service (5) Accessory building and use	(1) One family dwelling and mobile home (2) Dwelling associated with commercial use (3) Service and repair use (4) Hotel/Motel (5) Public and Institutional use (6) Accessory building and use (7) Other similar use	(1) Minimum frontage - 25 feet (2) Minimum site area - 2500 sq. ft. (3) One family dwelling and mobile home as in Residential District (4) To the discretion of the D.O.	(1) One family dwelling and mobile home as in Residential District. (2) To the discretion of D.O.	(1) One family dwelling and mobile home as in Residential District. (2) All other uses to the discretion of the D.O.
HAMLET INDUSTRIAL 'M'	(1) Grain Elevator (2) Bulk Fuel Dealer (3) Warehouse and Storage use (4) Manufacturing (5) Accessory building and use	(1) Building supplies (2) Farm machinery (3) Auto sales and service (4) Auction Mart (5) Accessory building and use (6) Other similar use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.
PUBLIC INSTITUTIONAL 'P/I'	(1) Park and playground (2) School (3) Church (4) Accessory building and use	(1) Government facility (2) Utility facility (3) Community Organization facility (4) Accessory building and use (5) Other similar use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.
HAMLET RESERVE 'HR'	(1) One family dwelling or mobile home on existing lot only (2) Extensive agriculture (3) Accessory building and use	(1) Public and Institutional use (2) Temporary building and use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.

HAMLET FRINGE The Hamlet Fringe Area shall include the balance of the N½ 4-37-1-W4M. Land use within this area shall be as stipulated within the Agricultural District, except that no new intensive livestock feeding operations shall be established



HAMLET OF BODO

3.6.2 LAND USE DISTRICT MAP

3.7.0 HAYTER LAND USE DISTRICTS & MAP

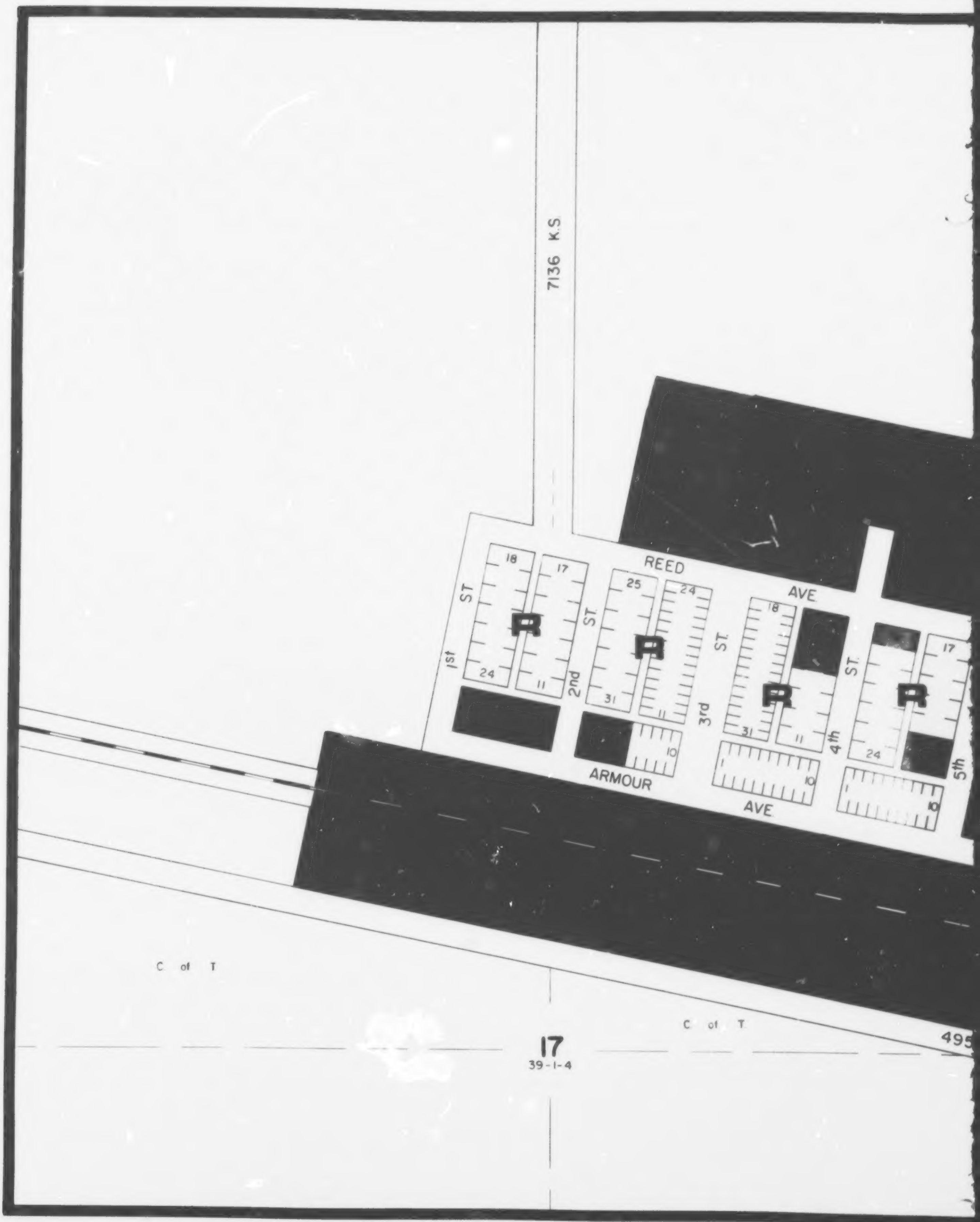
3.7.1 **PURPOSE:** The General Purpose of this District is to allow for a wide range of land uses within the Hamlet of Hayter.

3.7.2 **DISTRICT BOUNDARIES:** This District applies to all the land within the M.D. of Provost as depicted on the Hamlet of Hayter Land Use District Map.

3.7.3 REGULATIONS

LAND USE DISTRICTS	PERMITTED USES	DISCRETIONARY USES	MINIMUM LOT SIZE	MINIMUM SETBACK REQUIREMENTS	MINIMUM FLOOR AREA
RESIDENTIAL 'R'	(1) One family dwelling (2) Accessory building and use	(1) Mobile home (2) Duplex (3) Multiple Unit (4) Home Occupation (5) Public and Institutional use (6) Accessory building and use (7) Other similar use	(1) One family dwelling - 100 ft. frontage - 10,000 sq. ft. site (2) Mobile home - 100 ft. frontage - 10,000 sq. ft. site area (3) Above and other uses to the discretion of the D.O.	(1) Front yard - 20 feet (2) Rear yard - 25 feet (3) Side yard - 10% of lot width and 5 feet minimum (4) Above at the discretion of D.O.	(1) One family dwelling - 800 square feet (2) Mobile Home - 700 square feet (3) Other uses to the discretion of the D.O.
HAMLET COMMERCIAL 'C'	(1) Retail store (2) Office (3) Financial service (4) Personal service (5) Accessory building and use	(1) Public and Institutional use (2) Service and repair use (3) Light assembly use (4) Hotel/Motel (5) Accessory building and use (6) Other similar use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.
HAMLET INDUSTRIAL 'M'	(1) Grain Elevator (2) Bulk Fuel Dealer (3) Warehouse and Storage use (4) Manufacturing (5) Accessory building and use	(1) Building supplier (2) Farm machinery (3) Auto sales and service (4) Auction Mart (5) Accessory building and use (6) Other similar use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.
PUBLIC INSTITUTIONAL 'P/I'	(1) Park and playground (2) School (3) Church (4) Accessory building and use	(1) Government facility (2) Utility facility (3) Community Organization facility (4) Accessory building and use (5) Other similar use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.
HAMLET RESERVE 'HR'	(1) One family dwelling or mobile home on existing lot only (2) Extensive agriculture (3) Accessory building and use	(1) Public and Institutional use (2) Temporary building and use	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.	(1) To the discretion of the D.O.

MLET FRINGE The Hamlet Fringe Area shall include the balance of Section 17-39-1-W4M. Land use within this area shall be as stipulated within the Agricultural District, except that no new intensive livestock feeding operations shall be established.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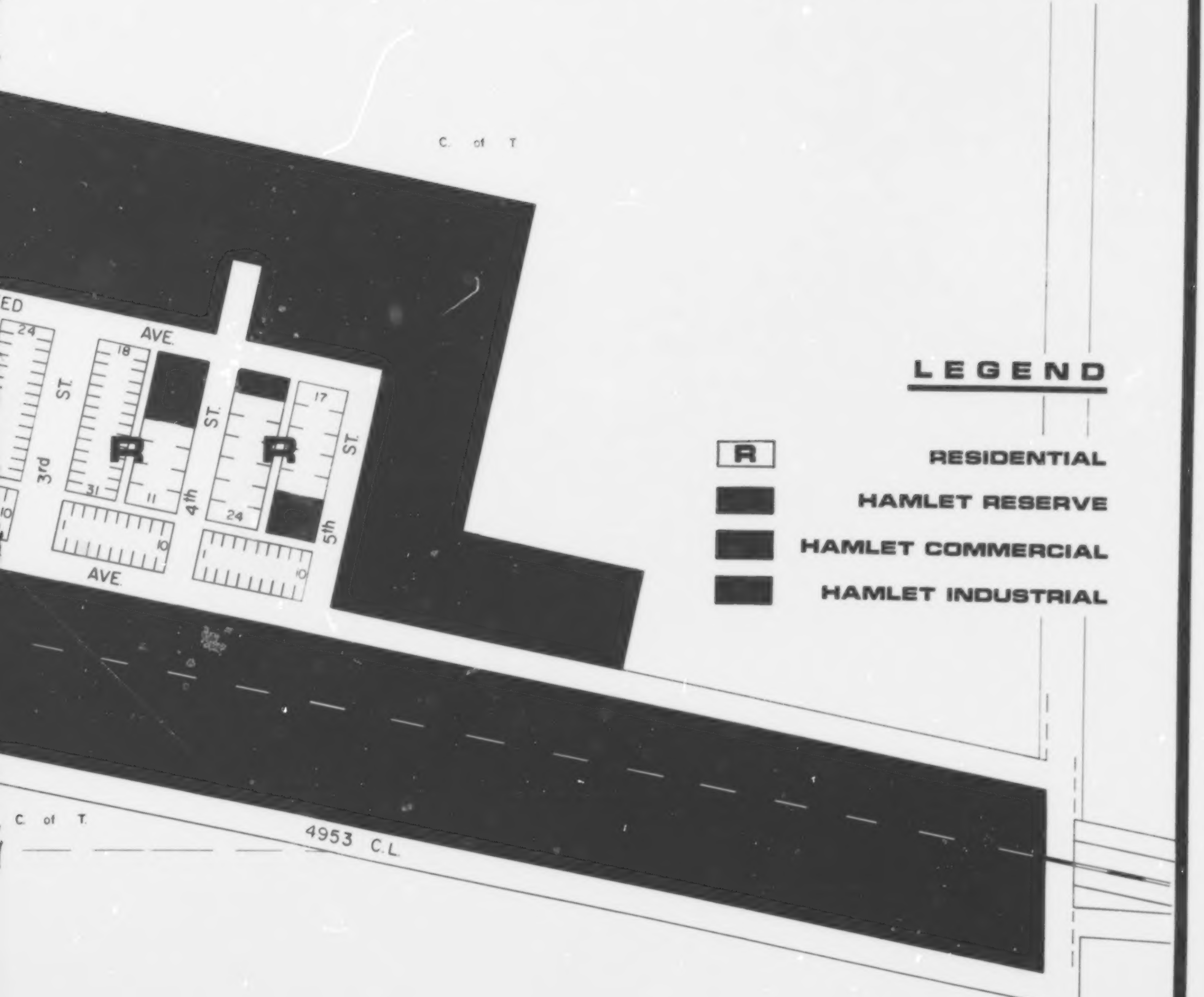
HAMLET OF

HAYTER

3.7.2 LAND USE DISTRICT MAP



3.8.0 ROSYTH AND CAIRNS LAND USE DISTRICT & MAPS

3.8.1 PERMITTED USES

(1) One family dwelling on existing lot only
(2) Accessory building and use

3.8.2 DISCRETIONARY USES

(1) One family dwelling
(2) Duplex
(3) Hamlet commercial use
(4) Hamlet industrial use
(5) Recreational use
(6) Institutional and public use
(7) Other similar use as approved by the Development Officer
(8) Accessory building and use in conjunction with the foregoing.

No use to be established that is, or will become, obnoxious by way of noise, odour or fumes.

3.8.3 REGULATIONS

(1) The minimum or maximum parcel size for all uses shall be determined by the Development Officer.

(2) Minimum Floor Area

One Family Dwellings	-600 sq. ft. ($55.74m^2$) or to discretion of the Development Officer;
Duplexes	-500 sq. ft. ($46.45m^2$) per unit or to the discretio of the Development Officer.

Mobile Homes -600 sq. ft. (55.74m^2) or to the discretion of the Development Officer;

Other Uses -to the discretion of the Development Officer.

(3) Minimum Yard Dimensions

(a) One Family Dwelling and Mobile Home:

Front Yard - 25 ft. (7.62m) or to the discretion of the Development Officer;

Rear Yard - 25 ft. (7.62m) or to the discretion of the Development Officer;

Side Yard - 10% of the lot width but not less than 5 ft. (1.52m) or to the discretion of the Development Officer;

Side Yard - on Corner lot 15 ft. (4.57m) on side of flanking street or to the discretion of the Development Officer.

(b) Commercial Use: A retail store built adjacent to existing similar uses may be built without front or side yard setbacks where there is lane access. Where there is no lane access one side yard of at least 15 ft. (4.47m) shall be provided subject to the discretion of the Development Officer.

(c) Other Uses: To the discretion of the Development Officer.

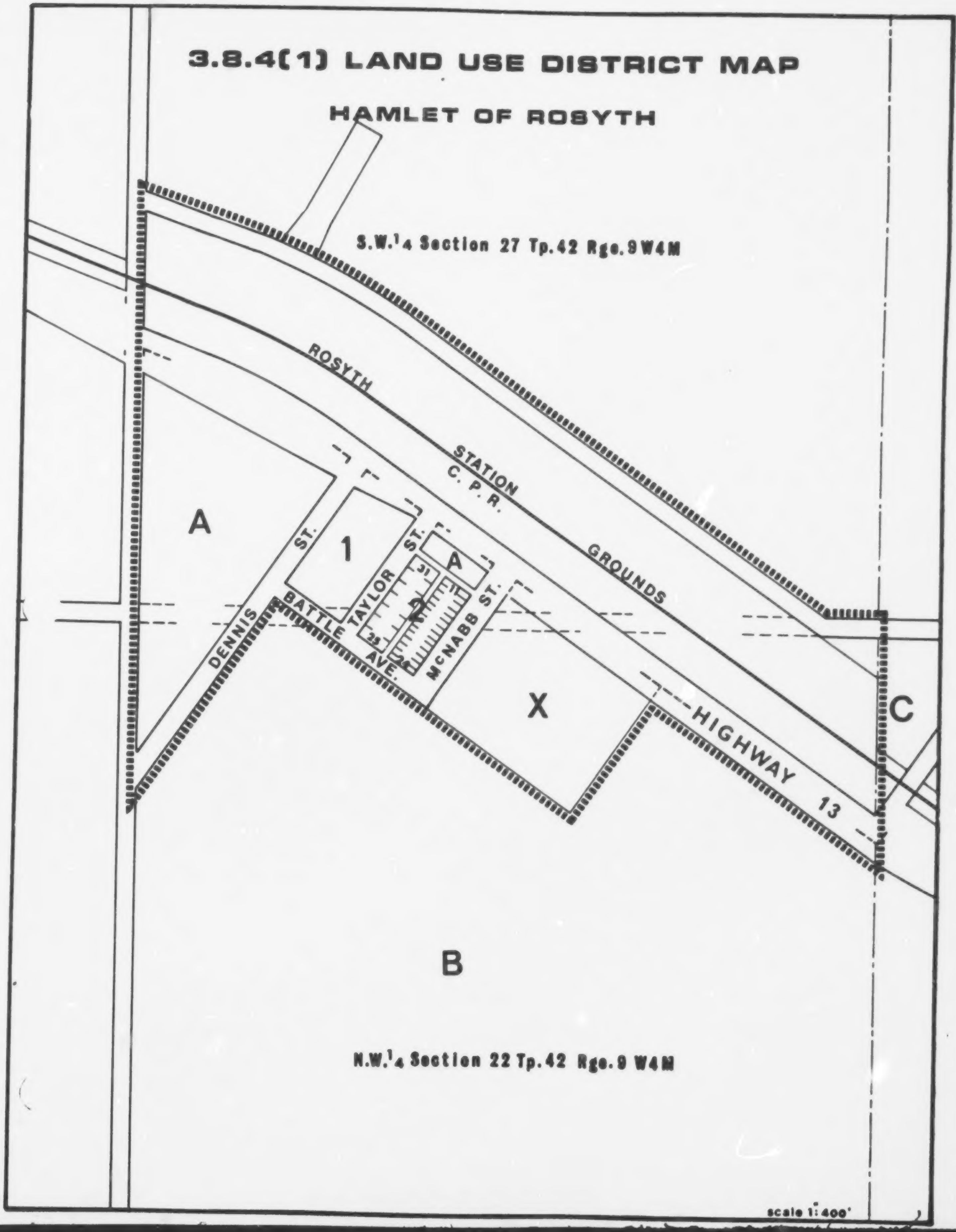
3.8.4 DISTRICT BOUNDARIES

This Hamlet District applies to all the land within the M.D. of Provost No. 52 as depicted on the LAND USE DISTRICT MAPS which follow:

(1) Rosyth HD; and
(2) Cairns HD.

3.8.4(1) LAND USE DISTRICT MAP

HAMLET OF ROSYTH



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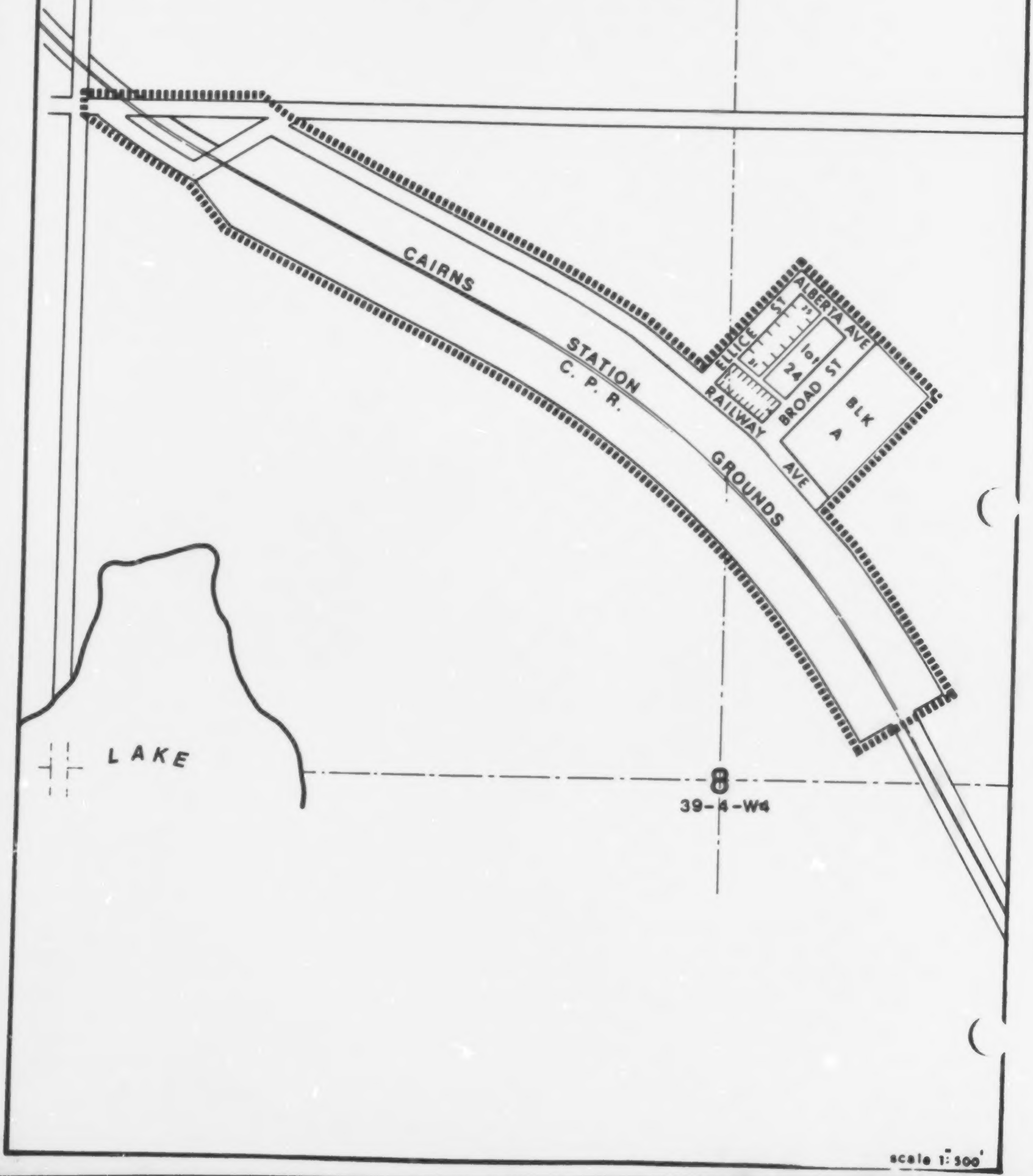
3.8.4(2) LAND USE DISTRICT MAP

HAMLET OF CAIRNS



MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

COUNTRY RESIDENTIAL DISTRICT

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

4.0 COUNTRY RESIDENTIAL DISTRICT

4.1.0 - Purpose & Definitions
4.2.0 - Permitted and Discretionary Uses & Regulations
4.3.0 - Administration & Enforcement
4.4.0 - Land Use District Map & Figures

4.1.0 PURPOSE & DEFINITIONS

4.1.1 PURPOSE

The primary purpose of this District is to regulate development associated with multi-lot country residential subdivisions and to this end all development shall require a development permit (unless otherwise stated).

This District applies to all the land within the Municipal District of Provost No. 52 as depicted on the Land Use District Map located in Section 4.4.2.

4.1.2 DEFINITIONS

(1) "Act" means the Planning Act, R.S.A. 1980;

(2) "accessory building" means a building separate and subordinate to the main building, the use of which is similar and complementary to that of the main building and is located on the same parcel of land;

(3) "accessory use" means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building;

(4) "development" means

(a) an excavation or stockpile and the creation of either of them,

(b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them,

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building,

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use on the land or building;

(5) "development permit" means a document authorizing a development pursuant to this Bylaw;

(6) "front yard" means a yard extending across the full width of a parcel from the front line of the parcel to the front wall of the main building situated on the parcel and the front yard, where the parcel is a corner parcel fronting onto two roads, shall be decided by the Development Officer;

(7) "home occupation" means any trade, business, profession or occupation carried out, for which renumeration or profit is normally a consideration, in a dwelling unit or accessory building, which is secondary to the primary use and has been approved by the Development Officer;

(8) "institutional and public use" means a building, structure, parcel or lot used for services that are owned or operated by a public/private institution or a municipal, provincial or federal corporation, which provides services for the public or its members, (i.e. churches,schools, etc.);

(9) "main building" means a building in which is conducted the main or principle use of the site on which it is erected;

(10) "non-conforming use" means a lawful specific use

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date this Bylaw or any amendment thereof affecting the land or building becomes effective, and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with this Bylaw;

(11) "one family dwelling" (O.F.D.) means a single family dwelling suitable as a residence and used as a single common unit separated by open space from any other structure except an accessory building, and supported on a permanent or a semi-permanent foundation as approved by the Development Officer, which may also include a mobile home;

(12) "rear yard" means a yard extending across the full width of the parcel from the rear lot line to the back wall of the main building situated on the lot;

(13) "side yard" means a yard extending from the front wall of the main building situated on a parcel, to the rear wall of the main building, and lying between the side line of the parcel and the side wall of the main building.

4.2.0 PERMITTED AND DISCRETIONARY USES & REGULATIONS

4.2.1 PERMITTED USES

(1) One family dwelling
(2) Accessory building and use

4.2.2 DISCRETIONARY USES

(1) Home occupation
(2) Recreational use
(3) Institutional and public use
(4) Local convenience retail use
(5) Other similar use as approved by the Development Officer
(6) Accessory building and use in conjunction with the foregoing.

4.2.3 REGULATIONS

(1) Minimum Parcel Area

(a) One Family Dwellings -
Not less than 1 ac. (.40 ha) and not more than 3 ac. (1.21 ha).
No fur bearing animals, fowl or livestock other than domestic pets may be kept on a parcel.

(b) One Family Dwelling where a minor agriculture pursuit is permitted - (does not include intensive agriculture nor intensive livestock feeding operations) not less than 3 ac. (1.21 ha) and not more than 10 ac. (4.04 ha) per parcel, or to the discretion of the Development Officer.

(2) Minimum Parcel Area - Discretionary Uses - as approved by the Development Officer

(3) Minimum Floor Area

(a) One Family Dwelling - 600 sq. ft. ($55.72m^2$) or as approved by the Development officer.

(b) All Other Uses - as approved by the Development Officer

(4) Minimum Yard Dimensions

(a) From Internal Subdivision Roads for a One Family Dwelling-
Front Yard -25 ft. (7.62m) or to the discretion of the Development Officer;
Rear Yard -25 ft. (7.62m) or to the discretion of the Development Officer; and
Side Yard -20 ft. (6.09m) or to the discretion of the Development Officer.

(b) Other uses as required by the Development Officer.

(5) Minimum building setback for all uses from the center line of a rural road shall be as follows:

(a) Public road -125 ft. (38.1m);
(b) Secondary road -209 ft. or 134 ft. (63.7m or 40.84m) from the boundary of the future right-of-way, whichever is greater; and
(c) Highway -234 ft. or 134 ft. (71.32m or 4084m) from the highway right-of-way, whichever is greater.

(d) **All of the above shall be in accordance with Figures #1-5 of Section 4.4.0, or as approved by the Development Officer.**

(6) Development standards for any use in this District where such are not specified shall be at the discretion of the Development Officer.

(7) As part of a decision on a subdivision application or development permit application the Council may request the applicant to enter into a development agreement in accordance with the Planning Act, R.S.A. 1980.

4.3.0 ADMINISTRATION & ENFORCEMENT

4.3.1 DEVELOPMENT OFFICER

(1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

(2) The Development Officer shall perform such duties as specified in this Bylaw.

(3) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours a copy of this Bylaw and all amendments, and shall keep a register of all applications for development, including the decisions and the reasons for those decisions.

(4) For the purposes of this Bylaw, the Development Officer is hereby declared to be an authorized employee of Council.

4.3.2 DEVELOPMENT APPEAL BOARD

Council, by Bylaw 1643, has established a Development Appeal Board in accordance with the Planning Act, R.S.A. 1980. This bylaw provides for the appointment of one member of the public from each electorial division to be named at the annual organizational meeting of the Municipal District.

4.3.3 DEVELOPMENT PERMITS, RULES AND PROCEDURES

(1) All development in this District shall require a development permit prior to the beginning of construction except for the following:

- (a) the normal maintenance and repair of existing development;
- (b) the erection of fences provided that visibility from intersecting roads is not obstructed;,
- (c) temporary buildings;
- (d) accessory uses and buildings; and
- (e) the development, maintenance or repair of public works, services and utilities carried-out by or on behalf of the federal, provincial or municipal public authorities.

4.3.4 PERMISSION FOR DEVELOPMENT

(1) An application for a development permit shall be made to the Development Officer in writing and shall be accompanied by

- (a) a site plan showing the location of all proposed buildings,
- (b) a statement of uses, and
- (c) any other information as required by the Development Officer.

(2) Each application for a development permit shall be accompanied by a fee of

$10.00 for permitted uses, or
$25.00 for discretionary uses.

(3) The Development Officer shall receive, consider and decide on all applications for a development permit.

(4) In making a decision the Development Officer may approve the application unconditionally, or impose conditions considered appropriate permanently or for a limited period of time, or refuse the application. A development permit approval is valid for a period of twelve months from the date of is issuance.

(5) Where a development permit has been refused no similar application may be entertained for a period of six months.

(6) In the case where a proposed specific use of land or a building is not provided for in this District of the Bylaw the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.

(7) The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with the Bylaw if in the opinion of the Development Officer

- (a) the proposed development would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
- (b) the proposed development conforms with the use prescribed for the land or building in this Bylaw.

(8) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer.

4.3.5 APPEAL PROCEDURE

(1) An appeal may be made to the Development Appeal Board where a Development Officer

- (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application,
- (b) issues a development permit with or without conditions, or
- (c) issues a stop work order under Section 4.3.6 of this Bylaw.

(2) Any person affected by the permit may appeal.

(3) Any development appeal shall be made by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the date the order, decision or permit issued by the Development Officer was publicized in accordance with the Planning Act.

(4) Within 30 days of a notice of appeal, the Development Appeal Board shall hold a public hearing on the matter.

4.3.6 CONTRAVENTION

(1) Where a Development Officer finds that a development or land use is in contravention of this Bylaw, the Planning Act, a development permit, or a subdivision approval, the Development Officer may, by written notice to the party responsible, order
   (a) a stop to the development,
   (b) adjustment to the development to ensure its compliance, or
   (c) the demolition or removal of the contravening development.

(2) Where the responsible party fails or refuses to comply with an order directed to him under subsection (1) or an order of the Development Appeal Board under Section 85 of the Planning Act within the time specified, Council or a person appointed by it may, in accordance with Section 43 of the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.

(3) Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land.

4.3.7 APPLICATION TO AMEND BYLAW

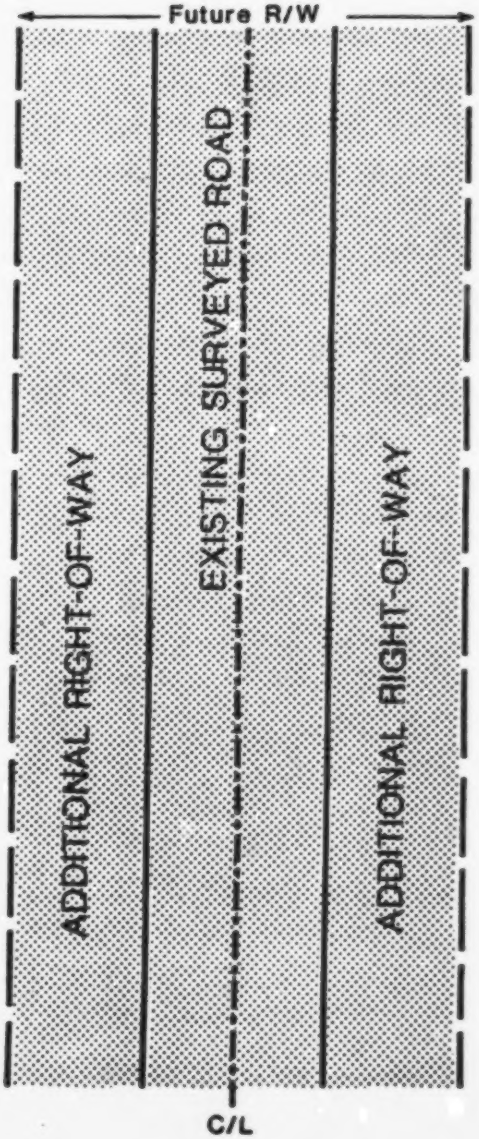
(1) A person may apply to have this Bylaw amended by applying to the Secretary-Treasurer in writing furnishing reasons in support of the application and paying the required fee.

(2) All applications for amendment to this Bylaw shall be forwarded by the Secretary-Treasurer shall also be accompanied by
   (a) the $250 application fee, part or all of which Council may determine to have returned to the applicant,
   (b) the certificate of title or other documents indicating the applicant's interest in the land affected, and
   (c) any other information as determined necessary by the Secretary-Treasurer.

(3) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to prepare an application.

Figure 1

SECONDARY ROAD BOUNDARIES



(4) All amendments to this Bylaw shall conform with Part 6, Division 1 of the Planning Act on "Public Participation in Bylaws".

4.4.0 LAND USE DISTRICT MAP & FIGURES

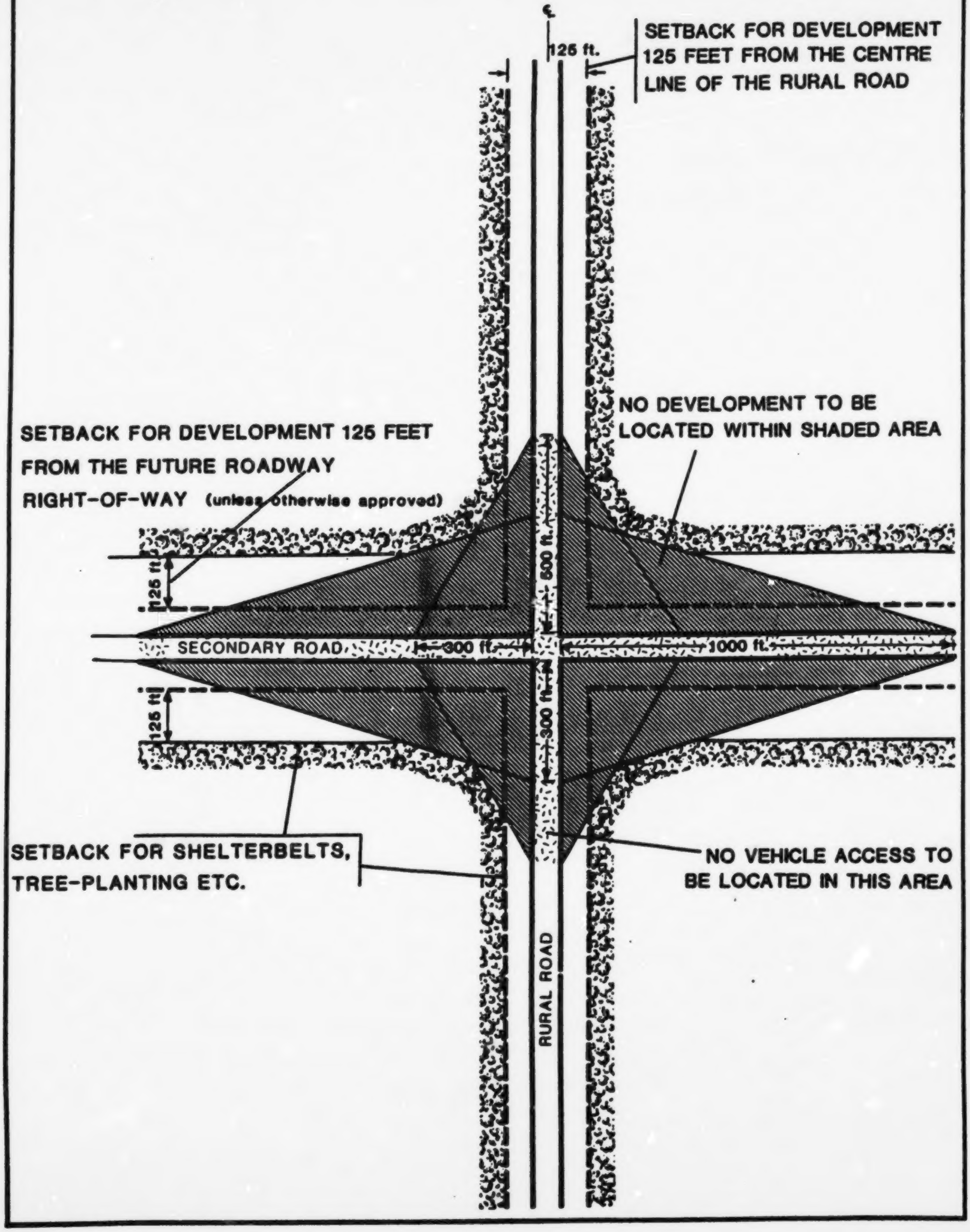
4.4.1 The required development and building setbacks from roadways are included as FIGURES 1 to 5 which follow.

4.2.2 The extent of the Country Residential District is as indicated on the LAND USE DISTRICT MAP which follows:

(1) Shorncliffe Lake.

Figure 2

INTERSECTION BETWEEN SECONDARY AND RURAL ROADS



SETBACK FOR DEVELOPMENT 125 FEET FROM THE CENTRE LINE OF THE RURAL ROAD

NO DEVELOPMENT TO BE LOCATED WITHIN SHADED AREA

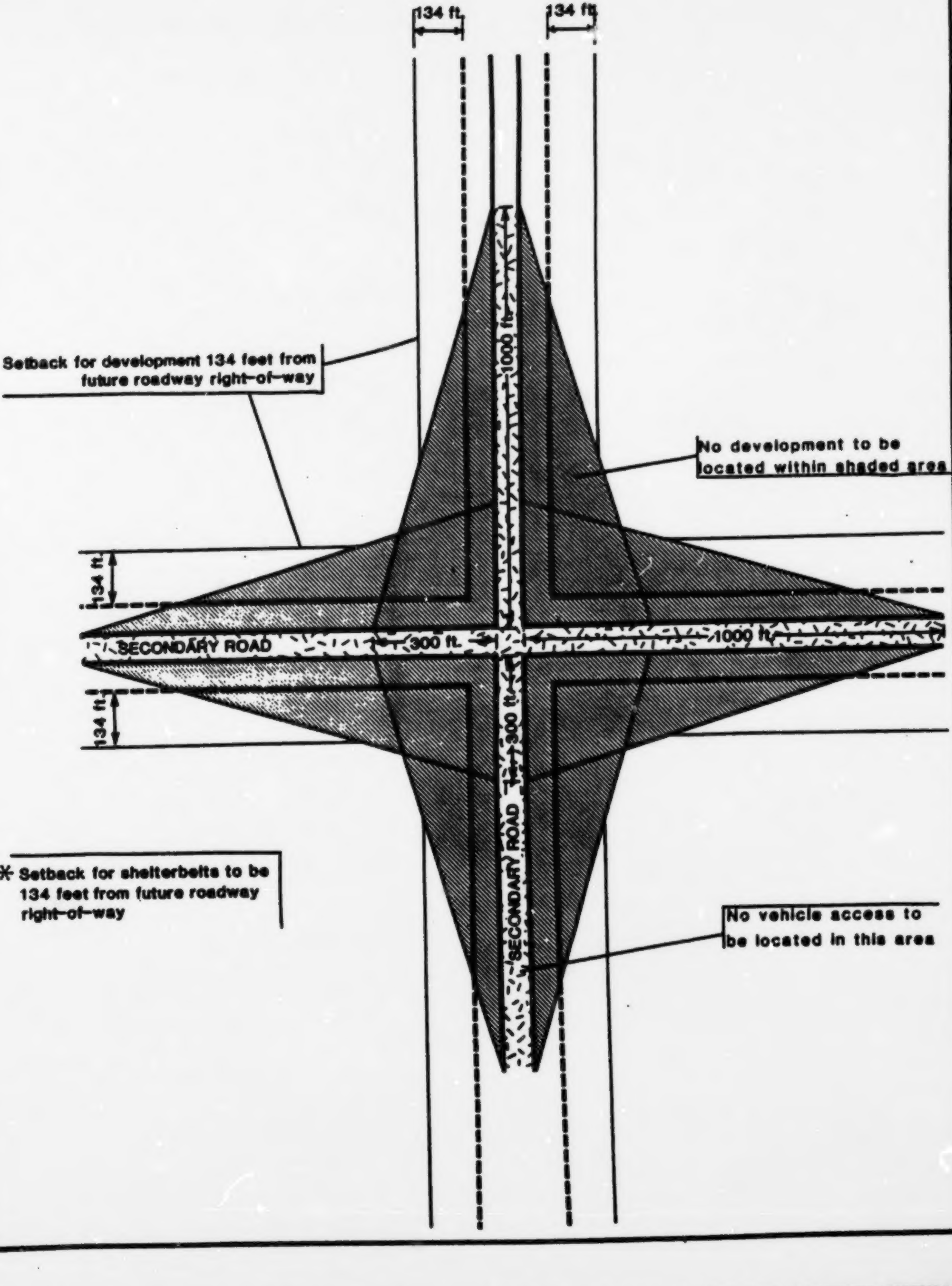
SETBACK FOR DEVELOPMENT 125 FEET FROM THE FUTURE ROADWAY RIGHT-OF-WAY (unless otherwise approved)

SETBACK FOR SHELTERBELTS, TREE-PLANTING ETC.

NO VEHICLE ACCESS TO BE LOCATED IN THIS AREA

Figure 3

INTERSECTION BETWEEN TWO SECONDARY ROADS



Setback for development 134 feet from future roadway right-of-way

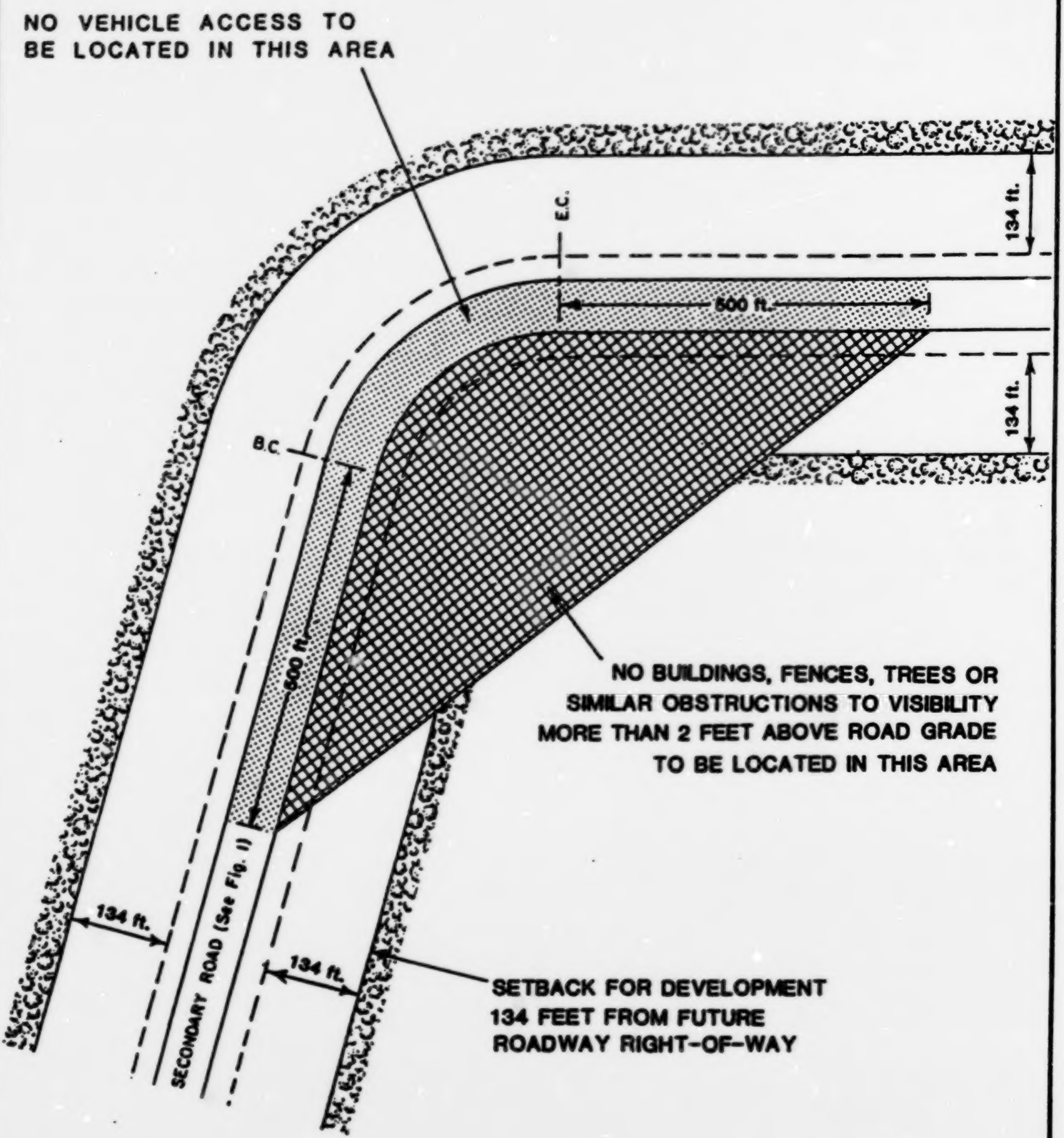
No development to be located within shaded area

* Setback for shelterbelts to be 134 feet from future roadway right-of-way

No vehicle access to be located in this area

Figure 4

DEGREE OF CURVATURE GREATER THAN 2 DEGREES



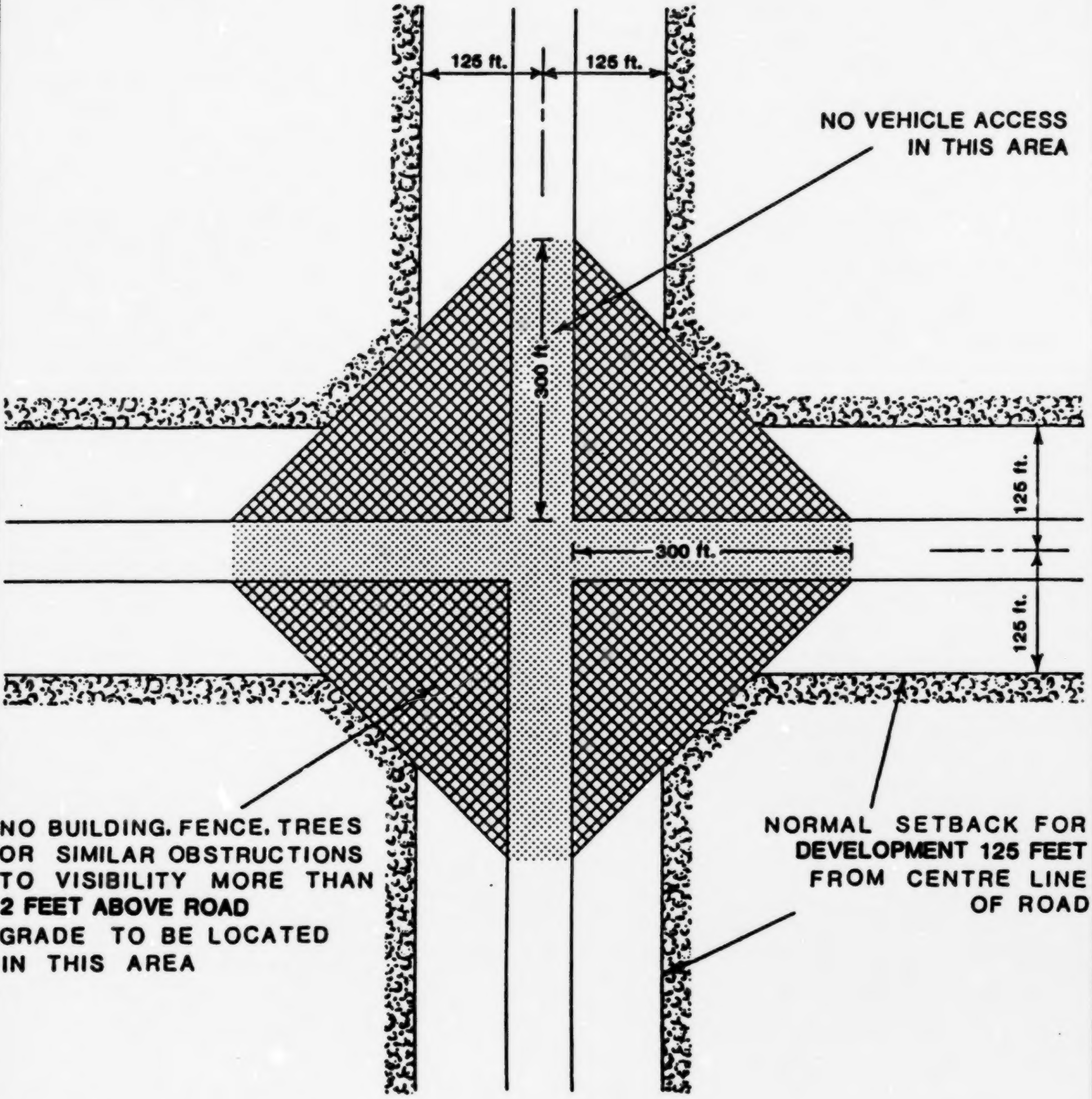
NO VEHICLE ACCESS TO BE LOCATED IN THIS AREA

NO BUILDINGS, FENCES, TREES OR SIMILAR OBSTRUCTIONS TO VISIBILITY MORE THAN 2 FEET ABOVE ROAD GRADE TO BE LOCATED IN THIS AREA

SETBACK FOR DEVELOPMENT 134 FEET FROM FUTURE ROADWAY RIGHT-OF-WAY

Figure 5

LOCATION OF BUILDING AT RURAL ROAD INTERSECTION AND RURAL HIGHWAY CURVES

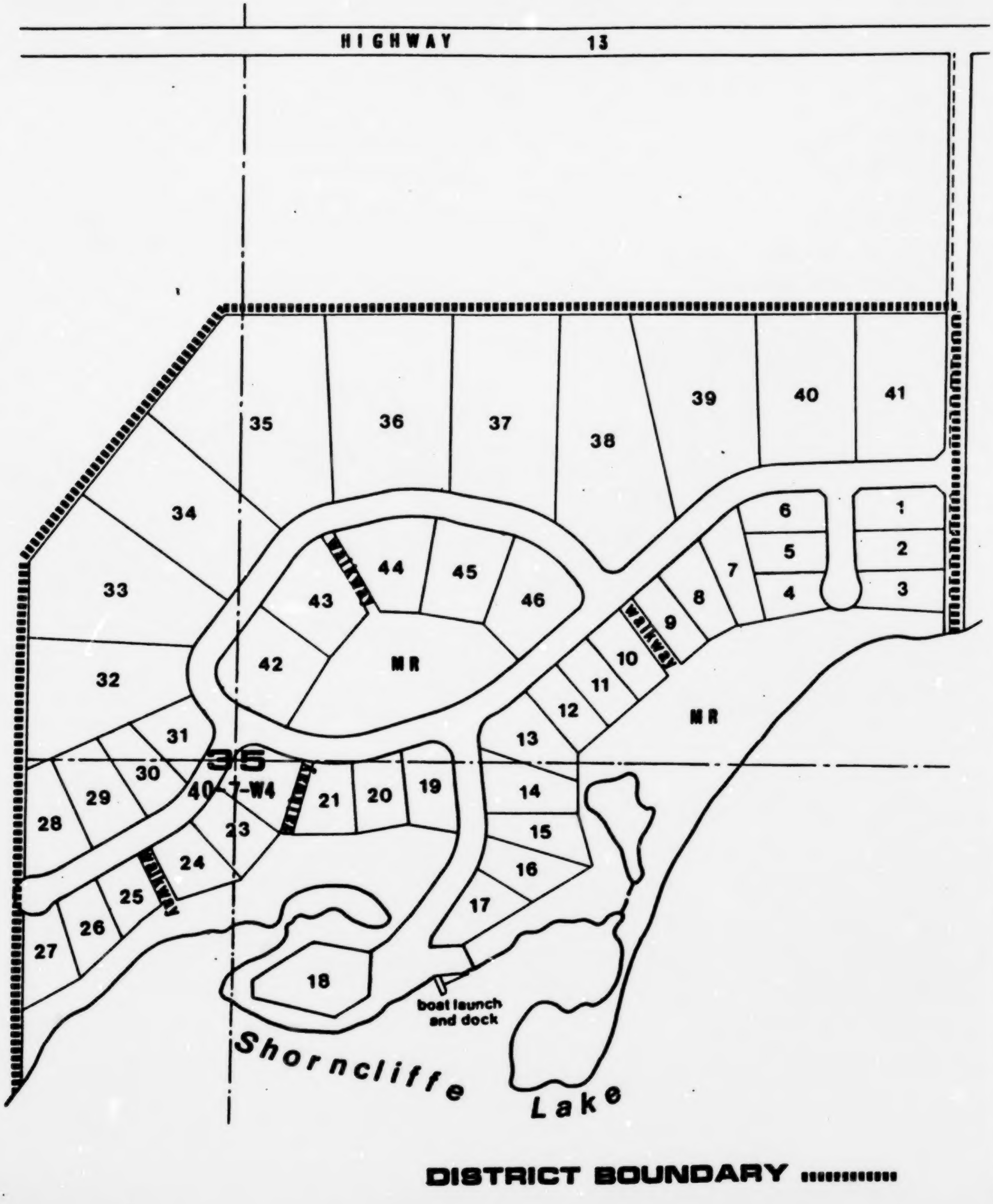


125 ft.
125 ft.
NO VEHICLE ACCESS IN THIS AREA
300 ft.
125 ft.
300 ft.
125 ft.
NO BUILDING, FENCE, TREES OR SIMILAR OBSTRUCTIONS TO VISIBILITY MORE THAN 2 FEET ABOVE ROAD GRADE TO BE LOCATED IN THIS AREA
NORMAL SETBACK FOR DEVELOPMENT 125 FEET FROM CENTRE LINE OF ROAD

4.2.2 (1) LAND USE DISTRICT MAP

COUNTRY RESIDENTIAL DISTRICT

SHORNCLIFFE LAKE



DISTRICT BOUNDARY ▮▮▮▮▮▮▮▮▮▮

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

RURAL INDUSTRIAL/COMMERCIAL DISTRICT

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

5.0 RURAL INDUSTRIAL/COMMERCIAL DISTRICT

5.1.0 - Purpose & Definitions

5.2.0 - Permitted and Discretionary Uses & Regulations

5.3.0 - Administration & Enforcement

5.4.0 - Land Use Bylaw Map

5.1.0 PURPOSE & DEFINITIONS

5.1.1 PURPOSE

The primary purpose of this District is to regulate development associated with multi-lot or multi-site rural industrial/commercial use and to this end all development shall require a development permit (unless otherwise stated).

This District applies to all the land within the Municipal District of Provost No. 52 depicted on the Land Use District Map.

5.1.2 DEFINITIONS

(1) "Act" means the Planning Act, R.S.A. 1980;

(2) "accessory building" means a building separate and subordinate to the main building, the use of which is similar and complementary to that of the main building and is located on the same parcel of land;

(3) "accessory use" means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building;

(4) "development" means

(a) an excavation or stockpile and the creation of either of them,

(b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them,

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

(5 "development permit" means a document authorizing a development pursuant to this Bylaw;

(6) "front yard" means a yard extending across the full width of a parcel from the front line of the parcel to the front wall of the main building situated on the parcel and the front yard, where the parcel is a corner parcel fronting onto two roads, shall be decided by the Development Officer;

(7) "institutional and public use" means a building, structure, parcel or lot used for services that are owned or operated by a public/private institution or a municipal, provincial or federal corporation, which provides services for the public or its members, (i.e. church, schools, power substations, etc.);

(8) "main building" means a building in which is conducted the main or principle use of the site on which it is erected;

(9) "non-conforming building" means a building

(a) that is lawfully constructed or lawfully under construction at the date this Bylaw or any amendment thereof affecting the building is passed, and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Bylaw;

(10) "non-conforming use" means a lawful specific use

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date this Bylaw or any amendment thereof affecting the land or building becomes effective, and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with this Bylaw;

(11) "rear yard" means a yard extending across the full width of the parcel from the rear lot line to the back wall of the main building situated on the lot;

(12) "rural agricultural industrial/commercial use" means those farming related uses that include, but are not limited to the following: auction marts, farm machinery sales and service, bulk fuel and fertilizers, feed, seed elevators, including veterinarian sales and services;

(13) "rural extractive industrial/commercial use" means those uses which are related to natural resource development and include, but are not limited to the following: oil; sulphate; coal; gas; gravel; and associated uses;

(14) "rural general commercial uses" means those rural commercial uses that include, but are not limited to the following: contractors; sales and service; grocery stores; restaurants; and rural office buildings associated with rural retail businesses;

(15) "rural general industrial use" means those rural industrial uses related to the manufacturing and processing or treatment or a product into a marketable form. These uses include, but are not limited to the following: processing facilities; prefabrication plants; lumber; asphalt; glass; paper and metal recycling plants;

(16) "rural transportation industrial/commercial use" means those uses which provide services to the travelling public such as, but are not limited to the following: service stations; automotive sales and repair establishments; truck stops; motels and drive-ins;

(17) "side yard" means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building, and lying between the side line of the parcel and the side wall of the main building.

5.2.0 PERMITTED AND DISCRETIONARY USES & REGULATIONS

5.2.1 PERMITTED USES

(1) Rural agricultural industrial/commercial use
(2) Accessory building and use

5.2.2 DISCRETIONARY USES

(1) Rural general commercial use
(2) Rural transportation industrial/commercial use
(3) Rural extraction industrial/commercial use
(4) Rural general industrial use
(5) Public utility use
(6) Recreational use
(7) Intensive farming
(8) Other similar use as approved by the Development Officer
(9) Accessory building and use in conjunction with the foregoing.

5.2.3 REGULATIONS

(1) Maximum Parcel Area - Permitted and Discretionary uses as approved by the Development Officer.
(2) Minimum Parcel Area - Shall be not less than 1 ac (.40 ha).
(3) Minimum Building Setback -
The minimum building setback from the center line of a roadway shall be as follows:
  (a) Public road - 125 ft. (38.10m);
  (b) Secondary road - 209 ft. or 134 ft. (63.70m or 40.84m) from the future right-of-way whichever is greater;
  (c) Highway - 234 ft. or 134 ft. (71.32m or 40.84m) from the future right-of-way whichever is greater; or
  (d) As approved by the Development Officer.
(4) Minimum Side Yard - 10% of mean parcel width, however, no side yard need exceed 20 ft. (6.09m) except for a corner parcel where the side yard requirement shall be to the discretion of the Development Officer.

(5) Minimum Rear Yard - 25 ft. (7.62m) or as approved by the Development Officer.

(6) Development standards relating to all uses shall be at the discretion of the Development Officer.

(7) As part of a decision on a subdivision application or development permit application, Council may request the applicant to enter into a development agreement in accordance with the Planning Act, R.S.A. 1980.

5.3.0 ADMINISTRATION & ENFORCEMENT

5.3.1 DEVELOPMENT OFFICER

(1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

(2) The Development Officer shall perform such duties as specified in this Bylaw.

(3) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours a copy of this Bylaw and all amendments, and shall keep a register of all applications for development, including the decisions and the reasons for those decisions.

(4) For the purposes of this Bylaw, the Development Officer is hereby declared to be an authorized employee of Council.

5.3.2 DEVELOPMENT APPEAL BOARD

Council, by Bylaw 1643, has established a Development Appeal Board in accordance with the Planning Act, R.S.A. 1980. This bylaw provides for the appointment of one member of the public from each electorial division to be named at the annual organizational meeting of the Municipal District.

5.3.3 DEVELOPMENT PERMITS, RULES AND PROCEDURES

(1) All development in this District shall require a development permit prior to the beginning of construction except for the following:

- (i) the normal maintenance and repair of existing development;
- (ii) the erection of fences provided that visibility from intersecting roads is not obstructed;
- (iii) temporary buildings;
- (iv) accessory uses and buildings; and
- (v) the development, maintenance or repair of public works, services and utilities carried-out by or on behalf of the federal, provincial or municipal public authorities.

5.3.4 PERMISSION FOR DEVELOPMENT

(1) An application for a development permit shall be made to the Development Officer in writing and shall be accompanied by

- (a) a site plan showing the location of all proposed buildings,
- (b) a statement of uses, and
- (c) any other information as required by the Development Officer.

(2) Each application for a development permit shall be accompanied by a fee of

$10.00 for permitted uses, or
$25.00 for discretionary uses.

(3) The Development Officer shall receive, consider and decide on all applications for a development permit. A development permit approval is valid for a period of twelve months from the date of its issuance.

(4) In making a decision the Development Officer may approve the application unconditionally, or impose conditions considered appropriate permanently or for a limited period of time, or refuse the application.

(5) Where a development permit has been refused no similar application may be entertained for a period of six months.

(6) In the case where a proposed specific use of land or a building is not provided for in this District of the Bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.

(7) The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with the Bylaw if in the opinion of the Development Officer

  (a) the proposed development would not

    (i) unduly interfere with the amenities of the neighbourhood, or

    (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and

  (b) the proposed development conforms with the use prescribed for the land or building in this Bylaw.

(8) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer.

5.3.5 APPEAL PROCEDURE

(1) An appeal may be made to the Development Appeal Board where a Development Officer

  (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application,

  (b) issues a development permit with or without conditions, or

  (c) issues a stop work order under Section 5.3.6 of this Bylaw.

(2) Any person affected by the permit may appeal.

(3) Any development appeal shall be made by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the date the order, decision or permit issued by the Development Officer was publicized in accordance with the Planning Act.

(4) Within 30 days of a notice of appeal, the Development Appeal Board shall hold a public hearing on the matter.

5.3.6 CONTRAVENTION

(1) Where a Development officer finds that a development or land use is in contravention of this Bylaw, the Planning Act, a development permit, or a subdivision approval, the Development Officer may, by written notice to the party responsible, order
  (a) a stop to the development,
  (b) adjustment to the development to ensure its compliance, or
  (c) the demolition or removal of the contravening development.

(2) Where the responsible party fails or refuses to comply with an order directed to him under subsection (1) or an order of the Development Appeal Board under Section 85 of the Planning Act within the time specified, Council or a person appointed by it may, in accordance with Section 43 of the Planning Act, enter upon the land or building and take such actions as is necessary to carry out the order.

(3) Where Council or a person appointed by it carries out an order Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land.

5.3.7 APPLICATION TO AMEND BYLAW

(1) A person may apply to have this Bylaw amended by applying to the Secretary-Treasurer in writing furnishing reasons in support of the application and paying the required fee.

(2) All applications for amendment to this Bylaw shall be forwarded by the Secretary-Treasurer shall also be accompanied by
  (a) the $250 application fee, part or all of which Council may determine to have returned to the applicant,
  (b) the certificate of title or other documents indicating the applicant's interest in the land affected, and
  (c) any other information as determined necessary by the Secretary-Treasurer.

(3) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to prepare an application.

(4) All amendments to this Bylaw shall conform with Part 6, Division 1 of the Planning Act on "Public Participation in Bylaws".

5.4.0 LAND USE BYLAW MAP

5.4.1 Since there is no area within the M.D. of Provost No. 52 designated as being in the Rural Industrial/Commercial District, there is no LAND USE DISTRICT MAP at this time.

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

LAKE DISTRICT

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

6.0 LAKE DISTRICT

6.1.0 - Purpose, Definitions & Setbacks
6.2.0 - Permitted & Discretionary Uses
6.3.0 - Administration & Enforcement
6.4.0 - Land Use District Maps & Figures

6.1.0 PURPOSE, DEFINITIONS & SETBACKS

6.1.1 PURPOSE

The primary purpose of this District is to regulate development adjacent to Schorncliffe and Capt. Ayre Lakes and to this end all development shall require a development permit (unless otherwise stated).

This District applies to all the land within the Municipal District of Provost No. 52 depicted on the Land Use District Map located in Section 6.4.2.

6.1.2 DEFINITIONS

(1) "Act" means the Planning Act, R.S.A. 1980;
(2) "development" means
  (a) an excavation or stockpile and the creation of either of them,
  (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under the land of any of them,
  (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

(3) "development permit" means a document authorizing a development issued pursuant to this Bylaw;

(4) "extensive agriculture" means the extensive cultivation of land including land for grazing purposes, residences and buildings associated with this use;

(5) "highway" means

(a) a highway or proposed highway that is designated as primary highway, or

(b) a road, street or highway designated and numbered between 900 and 999 according to the Public Highways Development Act, R.S.A. 1980;

(6) "institutional and public use" means a building, structure or parcel used for services that are owned or operated by a public/private institution or a municipal, provincial or federal corporation which provides services for the public or its members, i.e. schools, churches, cemeteries, etc.;

(7) "intensive agriculture" means a residence and systems of tillage through which one may gain livelihood from proportionally small areas of land such as, but not limited to greenhouses, market gardens, truck farming and apiaries but does not include intensive livestock feeding operations;

(8) "non-conforming building" means a building

(a) that is lawfully constructed or lawfully under construction at the date this Bylaw or any amendment thereof affecting the building is passed, and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Bylaw;

(9) "non-conforming use" means a lawful specific use

(a) being made of land or a building or intended to be made of a building lawfully under construction at the date this Bylaw or any amendment thereof affecting the land or building becomes effective, and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with this Bylaw;

(10) "productive agricultural land" means land which has the following characteristics:

- (a) municipal agricultural assessment rating of 40% or greater of the most productive land;
- (b) a Canada Land Inventory Rating (C.L.I.) for Agricultural Capability of Soil of Class 4 or better which is used for pasture purposes; or
- (c) land which is presently being used for agricultural purposes;

(11) "recreational use" means the use of land for recreational purposes;

(12) "rural industrial/commercial use" means any business, industry or trade carried-on in the rural area;

(13) "unsubdivided quarter section" means 160 acres (64.75 ha) of land as described under the Survey Act, R.S.A. 1980, or a lesser area of land due to the subdivision of an institutional and public use.

6.1.3 SETBACKS

(1) ROADWAYS

- (a) The minimum building setback from the center line of a roadway shall be as follows:
  - (i) Rural road - 125 ft. (38.1m);
  - (ii) Secondary road - 209 ft. (63.8m) or 134 ft. (40.9m) from the boundary of the future right-of-way, whichever is greater;
  - (iii) Highway - as prescribed by Alberta Transportation according to the Highway Development Act, R.S.A. 1980; or
  - (iv) All of the above shall be in accordance with Figures #1 through #5 in Section 6.4.1 of this Bylaw, or as approved by the Development Officer.
- (b) In areas of intense cottage development the minimum building setback from the front yard facing the roadway shall be determined by the Development Officer.

6.2.0 PERMITTED & DISCRETIONARY USES

6.2.1 PERMITTED USES

(1) Extensive Agriculture

(a) Minimum parcel size - unsubdivided quarter section 160 acres (64.75 ha) or where a parcel has been subdivided for a discretionary use the minimum parcel size shall be the residual.

(b) Existing extensive agricultural operations may include a rural industrial/commercial use as an associated use provided that there are no off-site employees.

(c) Accessory building and use associated with an extensive agricultural operation.

6.2.2 DISCRETIONARY USES

(1) One Family Cottage Dwelling

(a) On a site approved by the Development Officer

(b) Development standards shall be determined by the Development Officer.

(2) Single Parcel Country Residential Use

(a) A single parcel from an unsubdivided quarter section shall be subject to the following criteria:

(i) The maximum parcel size for an undeveloped country residential site shall be 3 acres (1.21 ha);

(ii) In the case of existing development (i.e. farmstead), or where site conditions warrant a parcel size of greater than 3 acres (1.21 ha), the appropriate parcel size shall be determined by the Development Officer; and

(iii) A country residential site shall have access to an opened public road.

(3) Intensive Agriculture

(a) The parcel size and development standards shall be determined by the Development Officer.

(4) Rural Industrial/Commercial Use

(a) One site per unsubdivided quarter section may be considered.

(b) The parcel size and development standards shall be determined by the Development Officer.

(5) Recreation Use

(a) Recreation use may include campground, sporting facility and confectionery.

(b) The parcel size and development standards shall be determined by the Development Officer.

(6) Institutional and Public Use

(a) Historical or archaelogical sites identified as per the Alberta Historical Resources Act, R.S.A. 1980, shall be protected in accordance with Alberta Culture guidelines.

(b) For all other institutional and public uses, the parcel size and development standards shall be determined by the Development Officer.

(7) Other Similar Use

(a) For other uses which are similar in nature to those listed in this District, the parcel size and development standards shall be determined by the Development Officer.

(8) Accessory building and use in conjunction with a discretionary use.

6.3.0 ADMINISTRATION & ENFORCEMENT

6.3.1 DEVELOPMENT OFFICER

(1) The Office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

(2) The Development Officer shall perform such duties as specified in this Bylaw.

(3) The Development Officer shall keep and maintain for the inspection

of the public during all reasonable hours a copy of this Bylaw and all amendments, and shall keep a register of applications for development, including the decisions and the reasons for those decisions.

(4) For the purposes of this Bylaw the Development Officer is hereby declared to be an authorized employee of Council.

6.3.2 DEVELOPMENT APPEAL BOARD

Council, by Bylaw 1643, has established a Development Appeal Board in accordance with the Planning Act, R.S.A. 1980. This bylaw provides for the appointment of one member of the public from each electorial division to be named at the annual organizational meeting of the Municipal District.

6.3.3 DEVELOPMENT PERMITS, RULES AND PROCEDURES

(1) All proposed development in this District shall require a development permit prior to the beginning of construction except for the following:

- (i) the normal maintenance and repair of existing development;
- (ii) the erection of farm fences provided that visibility from intersecting roads is not obstructed;
- (iii) temporary buildings;
- (iv) accessory uses and buildings; and
- (v) the development, maintenance or repair of public works, services and utilities carried-out by or on behalf of the federal, provincial or municipal public authorities.

6.3.4 PERMISSION FOR DEVELOPMENT

(1) An application for a development permit shall be made to the Development Officer in writing and shall be accompanied by

   - (a) a site plan showing the location of all proposed buildings,
   - (b) a statement of uses, and
   - (c) any other information as required by the Development Officer.

(2) Each application for a development permit shall be accompanied by a fee of

$10.00 for permitted uses,
$25.00 for discretionary uses, or
No charge for agricultural uses.

(3) The Development Officer shall receive, consider and decide on all applications for a development permit.

(4) In making a decision the Development Officer may approve the application unconditionally, or impose conditions considered appropriate permanently or for a limited period of time, or refuse the application. A development permit approval is valid for a period of twelve months from the date of its issuance.

(5) Council may require that as a condition of issuing a development permit that an applicant enter into an agreement in accordance with Section 77 of the Planning Act, R.S.A. 1980.

(6) Where a development permit has been refused no similar application may be entertained for a period of six months.

(7) In the case where a proposed specific use of land or a building is not provided for in this District of the Bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.

(8) The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if in the opinion of the Development Officer

- (a) the proposed development would not
  - (i) unduly interfere with the amenities of the neigbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
- (b) the proposed development conforms with the use prescribed for the land or building in this Bylaw.

(9) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer.

6.3.5 APPEAL PROCEDURE

(1) An appeal may be made to the Development Appeal Board where a Development Officer
  (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application,
  (b) issues a development permit with or without conditions, or
  (c) issues a stop work order under Section 6.3.6 of this Bylaw.

(2) Any person affected by the permit may appeal.

(3) Any development appeal shall be made by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the date the order, decision or permit issued by the Development Officer was publicized in accordance with the Planning Act.

(4) Within 30 days of a notice of appeal, the Development Appeal Board shall hold a public hearing on the matter.

6.3.6 CONTRAVENTION

(1) Where a Development Officer finds that a development or use of land is in contravention of this Bylaw, a development permit, the Planning Act, or a subdivision approval, the Development Officer may, by written notice to the party responsible, order
  (a) a stop to the development,
  (b) adjustment to the development to ensure its compliance, or
  (c) demolition or removal of the contravening development.

(2) Where the responsible party fails or refuses to comply with an order directed to him under subsection (1) or an order of the Development Appeal Board under Section 85 of the Planning Act within the time specified, Council or a person appointed by it may, in accordance with Section 43 of the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.

(3) Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land.

6.3.7 APPLICATION TO AMEND BYLAW

(1) A person may apply to have this Bylaw amended by applying to the Secretary-Treasurer in writing furnishing reasons in support of the application and paying the required fee.

(2) All applications for amendment to this Bylaw shall be forwarded by the Secretary-Treasurer to Council, and shall also be accompanied by

  (a) the $250 application fee, part or all of which Council may determine to have returned to the applicant,

  (b) the certificate of title or other documents indicating the applicant's interest in the land affected, and

  (c) any other information as determined necessary by the Secretary-Treasurer.

(3) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to prepare an application.

(4) All amendments to this Bylaw shall conform with Part 6, Division 1 of the Planning Act on "Public Participation in Bylaws"

6.4.0 LAND USE DISTRICT MAPS & FIGURES

6.4.1 The required development and building setbacks from roadways are included in FIGURES 1 to 5 which follow.

6.4.2 The extent of the Lake District is as indicated on the LAND USE DISTRICT MAPS which follow:

(1) Shorncliffe Lake; and

(2) Capt. Ayre Lake.

Figure 1

SECONDARY ROAD BOUNDARIES

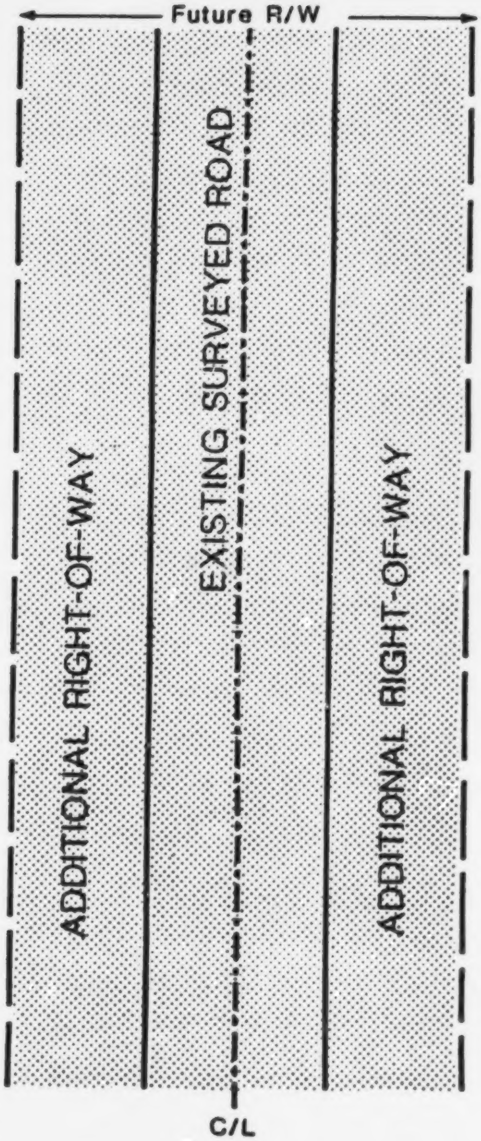


Figure 2

INTERSECTION BETWEEN SECONDARY AND RURAL ROADS

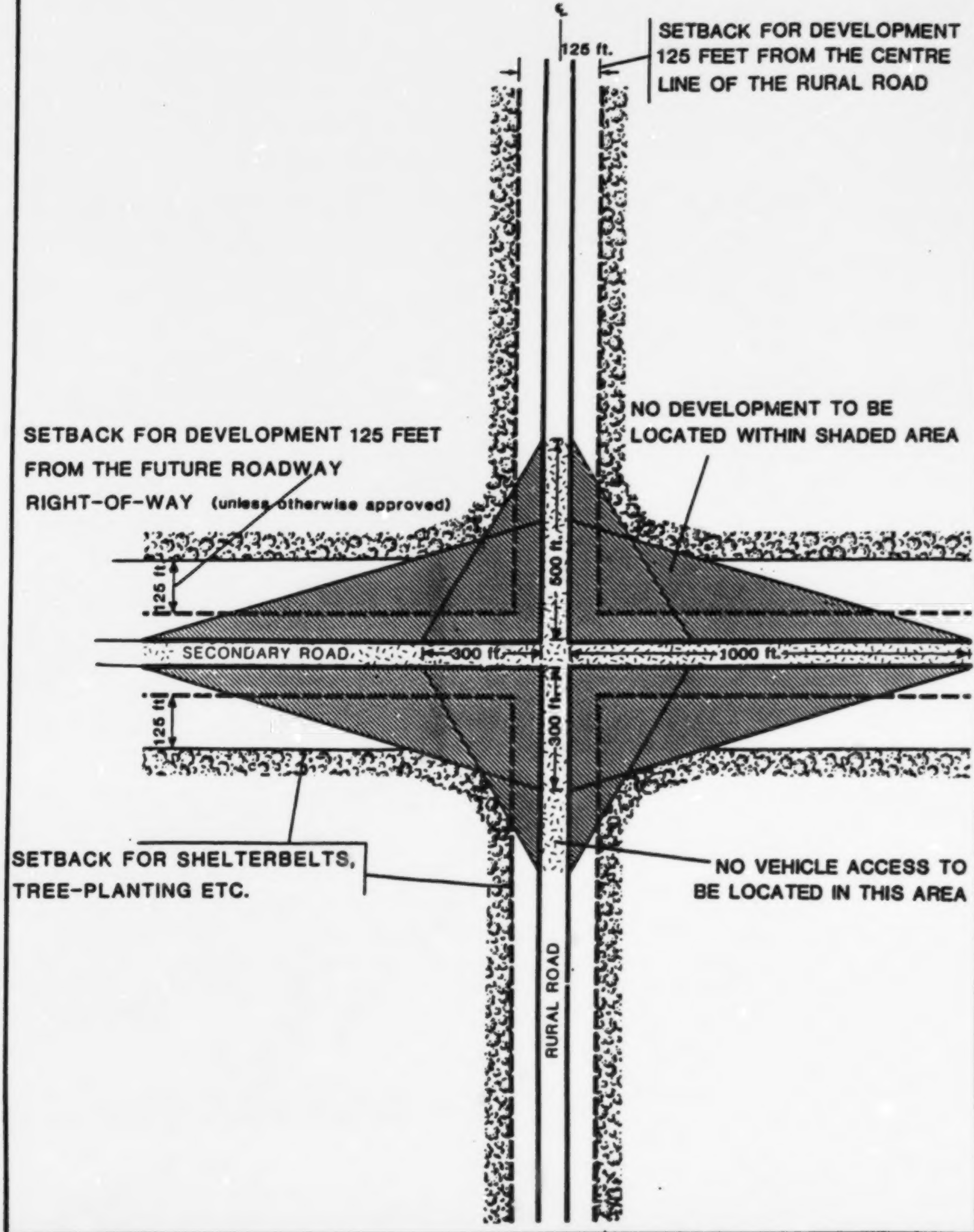

℄
125 ft.
SETBACK FOR DEVELOPMENT 125 FEET FROM THE CENTRE LINE OF THE RURAL ROAD
NO DEVELOPMENT TO BE LOCATED WITHIN SHADED AREA
SETBACK FOR DEVELOPMENT 125 FEET FROM THE FUTURE ROADWAY RIGHT-OF-WAY (unless otherwise approved)
125 ft
500 ft.
SECONDARY ROAD
300 ft.
1000 ft.
125 ft
300 ft.
SETBACK FOR SHELTERBELTS, TREE-PLANTING ETC.
NO VEHICLE ACCESS TO BE LOCATED IN THIS AREA
RURAL ROAD

Figure 3

INTERSECTION BETWEEN TWO SECONDARY ROADS

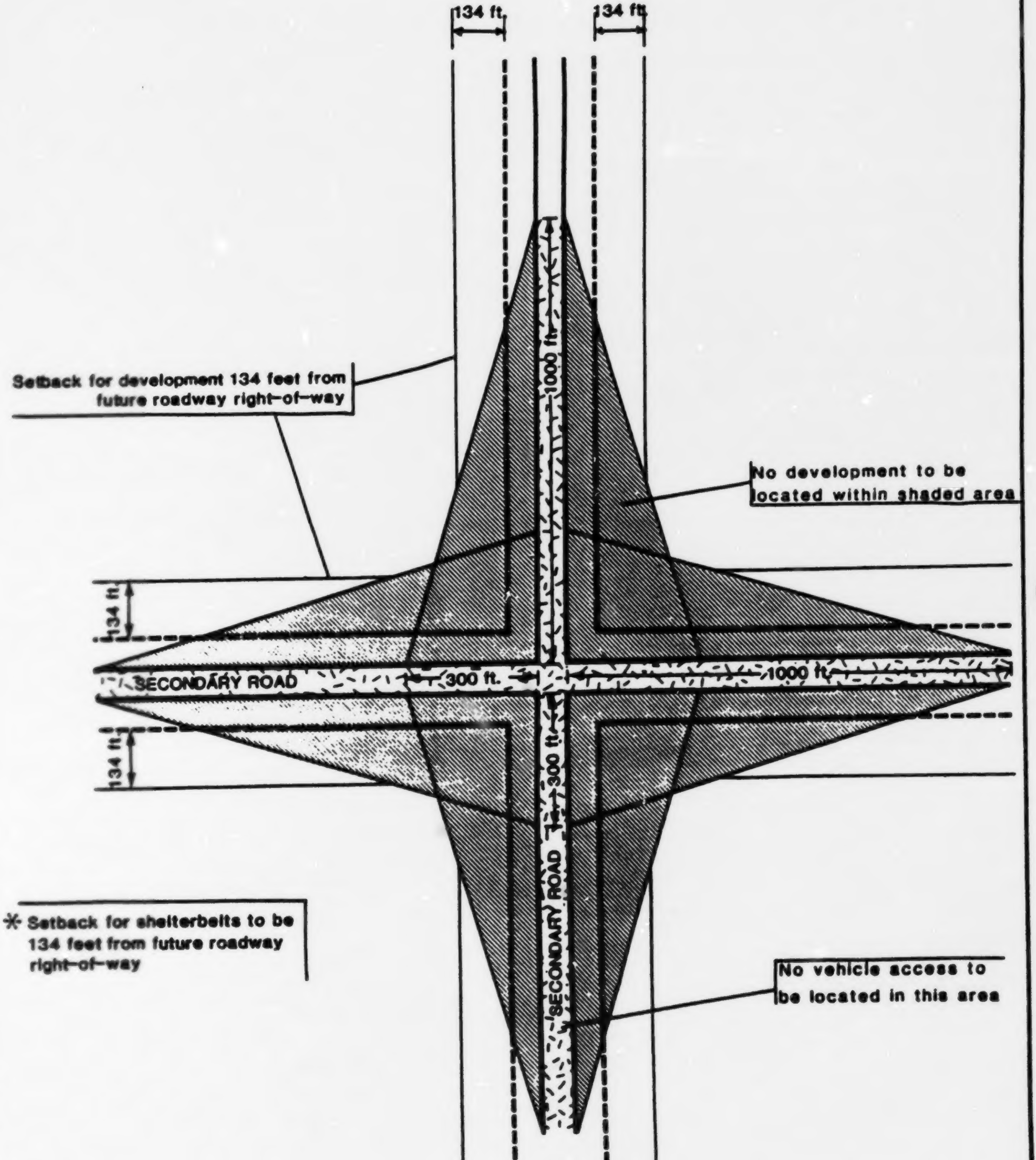

134 ft.
134 ft.
Setback for development 134 feet from future roadway right-of-way
No development to be located within shaded area
1000 ft.
134 ft.
SECONDARY ROAD
300 ft.
1000 ft.
134 ft.
300 ft.
SECONDARY ROAD
* Setback for shelterbelts to be 134 feet from future roadway right-of-way
No vehicle access to be located in this area

Figure 4

DEGREE OF CURVATURE GREATER THAN 2 DEGREES

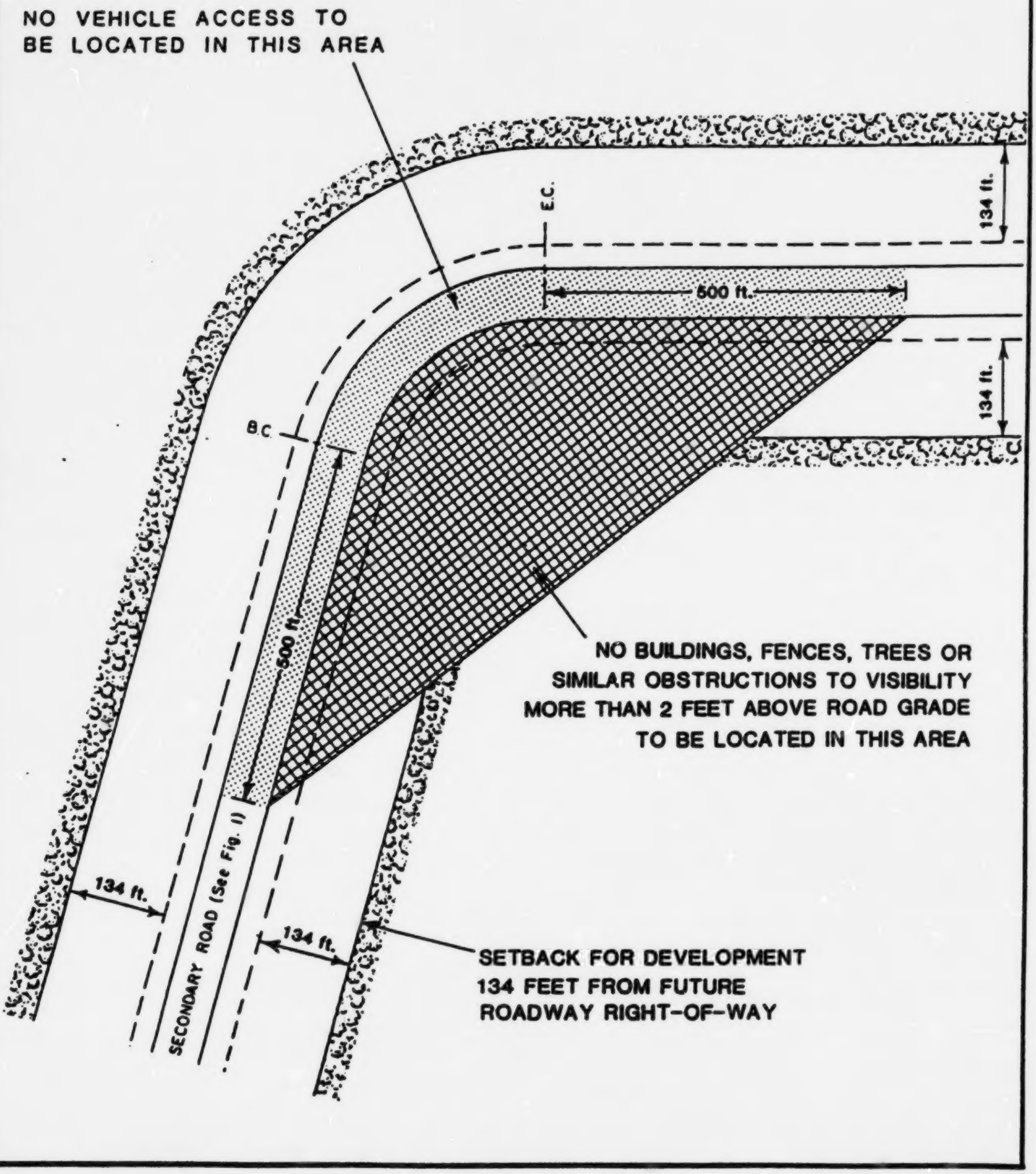
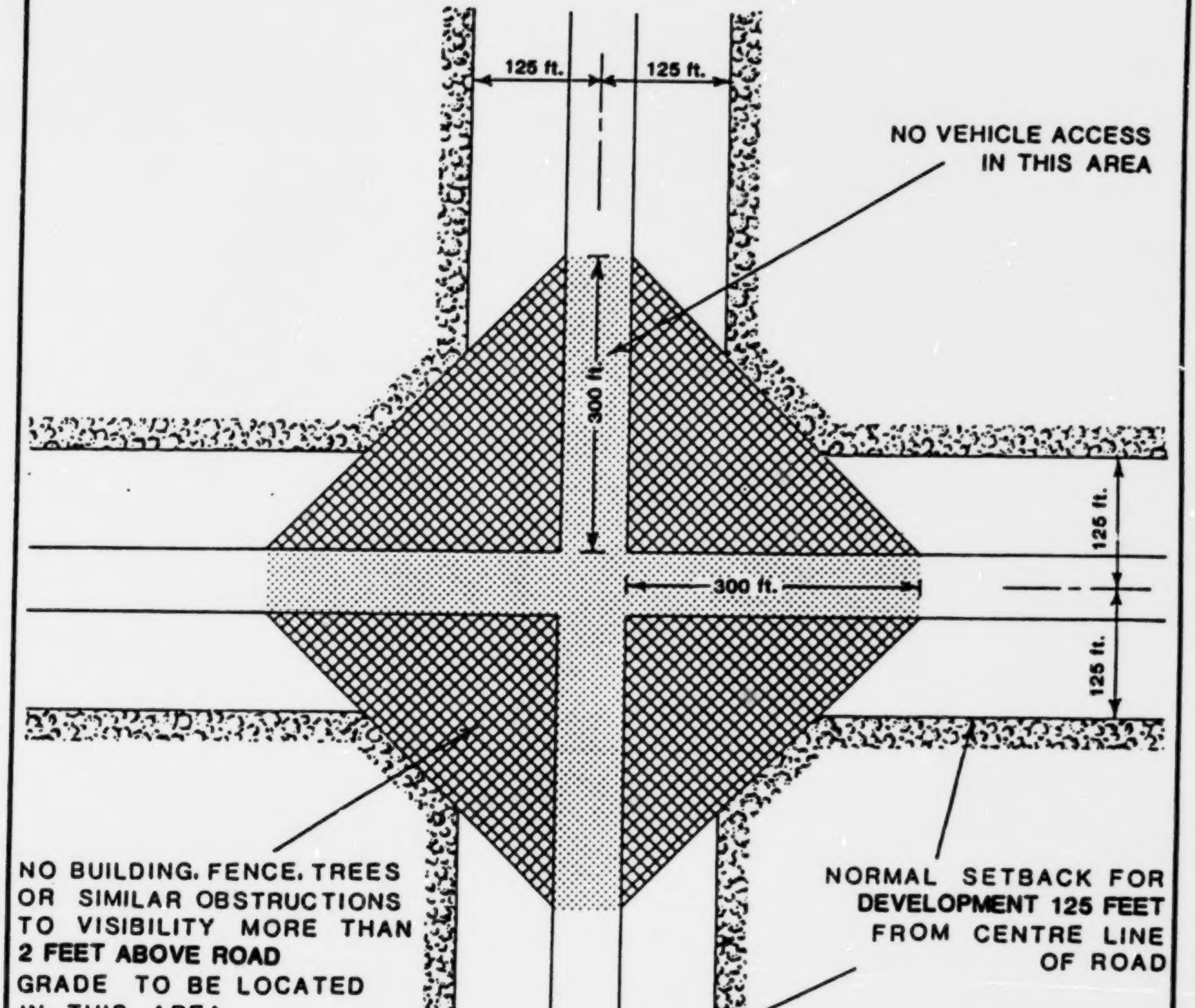

NO VEHICLE ACCESS TO BE LOCATED IN THIS AREA
E.C.
134 ft.
500 ft.
134 ft.
B.C.
500 ft.
NO BUILDINGS, FENCES, TREES OR SIMILAR OBSTRUCTIONS TO VISIBILITY MORE THAN 2 FEET ABOVE ROAD GRADE TO BE LOCATED IN THIS AREA
134 ft.
SECONDARY ROAD (See Fig. I)
134 ft.
SETBACK FOR DEVELOPMENT 134 FEET FROM FUTURE ROADWAY RIGHT-OF-WAY

Figure 5

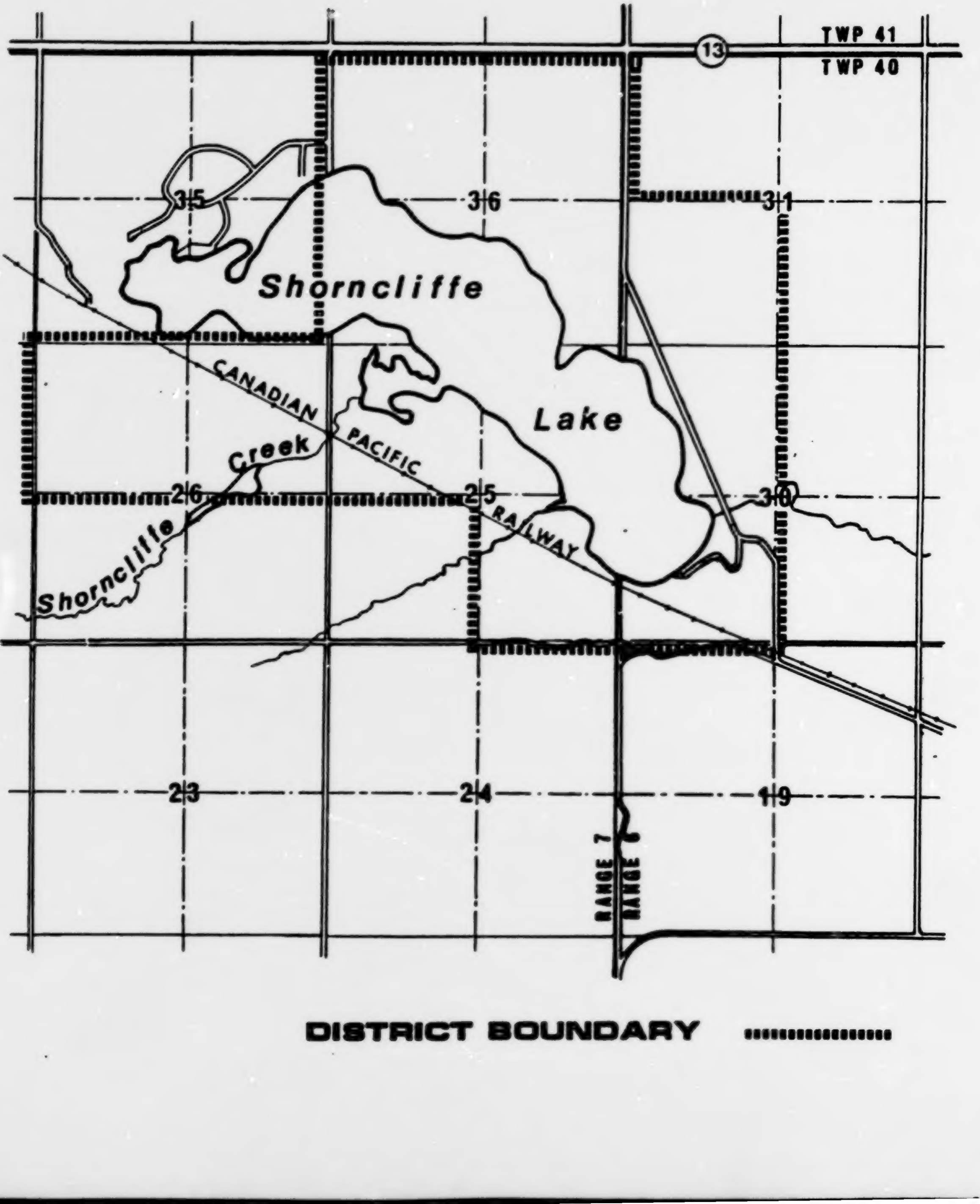
LOCATION OF BUILDING AT RURAL ROAD INTERSECTION AND RURAL HIGHWAY CURVES


125 ft.
125 ft.
NO VEHICLE ACCESS IN THIS AREA
300 ft.
300 ft.
125 ft.
125 ft.
NO BUILDING, FENCE, TREES OR SIMILAR OBSTRUCTIONS TO VISIBILITY MORE THAN 2 FEET ABOVE ROAD GRADE TO BE LOCATED IN THIS AREA
NORMAL SETBACK FOR DEVELOPMENT 125 FEET FROM CENTRE LINE OF ROAD

6.4.2 (1) LAND USE DISTRICT MAP

LAKE DISTRICT

SHORNCLIFFE LAKE

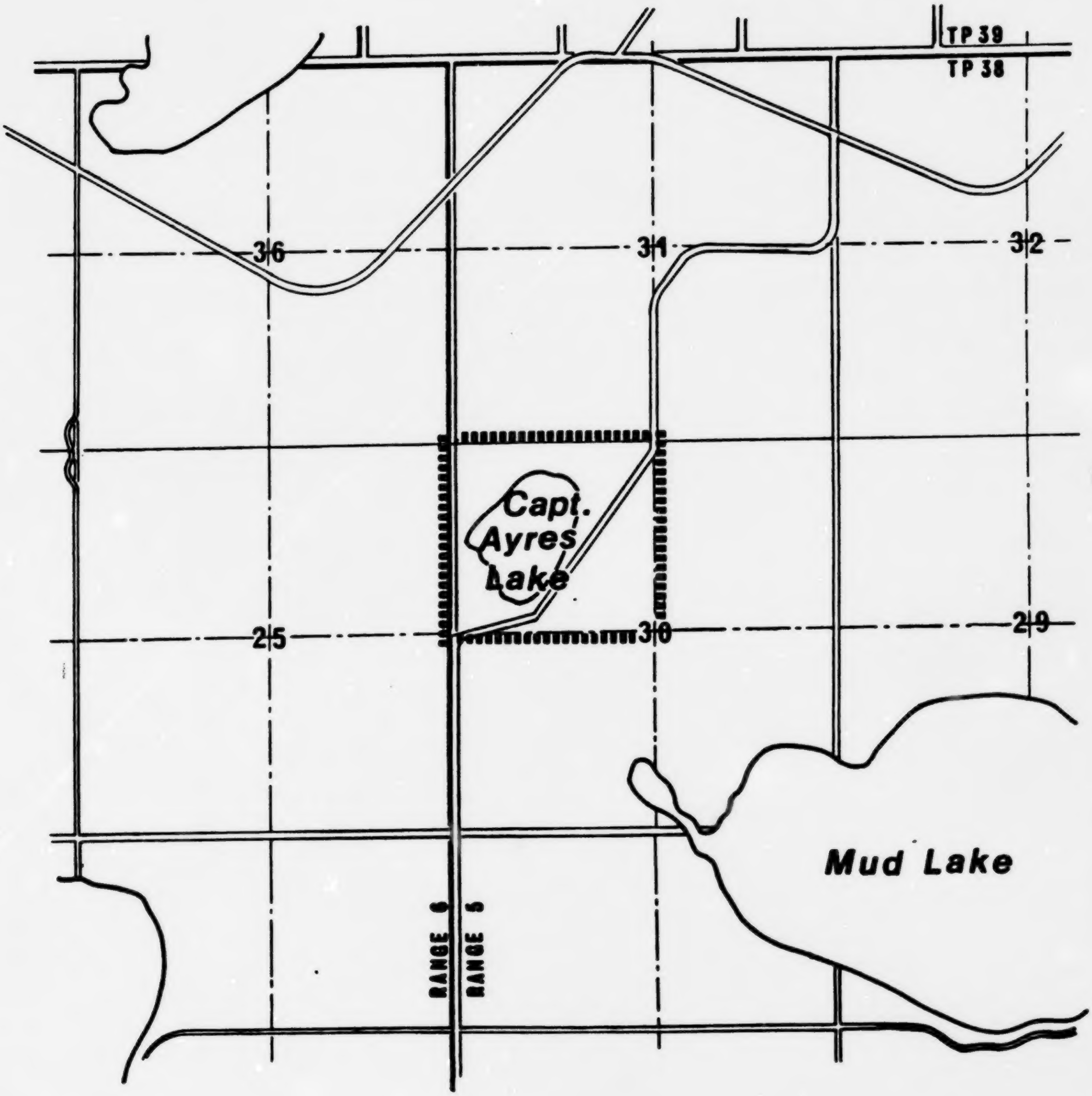


DISTRICT BOUNDARY ▪▪▪▪▪▪▪▪▪▪▪▪▪▪▪

6.4.2(2) LAND. USE DISTRICT MAP

LAKE DISTRICT

CAPT . AYRE LAKE



DISTRICT BOUNDARY ....

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

RURAL MOBILE HOME PARK DISTRICT

MUNICIPAL DISTRICT OF PROVOST NO. 52

LAND USE BYLAW

7.0 RURAL MOBILE HOME PARK DISTRICT

7.0.1 - Purpose & Definitions
7.2.0 - Permitted and Discretionary Uses & Regulations
7.3.0 - Administration & Enforcement
7.4.0 - Land Use District Map

7.1.0 PURPOSE & DEFINITIONS

7.1.1 PURPOSE

The primary purpose of this District is to regulate the development of mobile home parks in the rural area and to this end all development shall require a development permit (unless otherwise stated).

This District applies to all the land within the Municipal District of Provost as depicted on the Land Use District Map.

7.1.2 DEFINITIONS

(1) "Act" means the Planning Act, R.S.A. 1980;

(2) "accessory building" means a building separate and subordinate to the main building, the use of which is similar and complementary to that of the main building and is located on the same parcel of land;

(3) "accessory use" means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building;

(4) "development" means

(a) an excavation or stockpile and the creation of either of them,

(b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them,

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

(5) "development permit" means a document authorizing a development pursuant to this Bylaw;

(6) "front yard" means a yard extending across the full width of the stall from the front stall line to the front wall of the main building situated on the stall, and the front yard, where the stall is a corner stall fronting onto two roads, shall be decided by the Development Officer;

(7) "institutional and public use" means a building, structure, parcel or lot used for services that are owned or operated by a public/private institution or a municipal, provincial or federal corporation, which provides services for the public or its members, (i.e. churches, schools, etc.);

(8) "main building" means a building in which is conducted the main or principle use of the site on which it is erected;

(9) "mobile home" means a structure whether ordinarily equipped with wheels or not that is manufactured to be moved from one point to another by being towed or carried, and which provides year round living accommodation for one or more persons, and can be connected to utilities;

(10) "non-conforming building" means a building

(a) that is lawfully constructed or lawfully under construction at the date this Bylaw or any amendment thereof affecting the building is passed, and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Bylaw;

(11) "non-conforming use" means a lawful specific use

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date this Bylaw or any amendment thereof affecting the land or building becomes effective, and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with this Bylaw;

(12) "one family dwelling" (O.F.D.) means a single family dwelling suitable as a residence and used as a single common unit separated by open space from any other structure except an accessory building, and supported on a permanent or a semi-permanent foundation as approved by the Development Officer;

(13) "rear yard" means a yard extending across the full width of the stall from the rear stall line to the back wall of the main building situated on the lot;

(14) "side yard" means a yard extending from the front wall of the main building situated on a stall, to the rear wall of the main building, and lying between the side line of the stall and the side wall of the main building.

7.2.0 PERMITTED AND DISCRETIONARY USES & REGULATIONS

7.2.1 PERMITTED USES

(1) Mobile home
(2) Accessory building and use

7.2.2 DISCRETIONARY USES (in conjunction with a Rural Mobile Home Park)

(1) Recreational use
(2) Local convenience retail use
(3) Institutional and public use
(4) A single one family dwelling to be used by the manager and/or owner of the Mobile Home Park

(5) Other similar use as approved by the Development Officer

(6) Accessory building and use in conjunction with the foregoing as approved by the Development Officer.

7.2.3 REGULATIONS

(1) In a rural mobile home park the stalls shall be located 25 feet (7.62m) from a boundary of a street and 15 ft. (4.57m) from adjacent parcels.

(2) The setback strip shall be landscaped and/or fenced to the satisfaction of the Development Officer.

(3) All roads in a rural mobile home park shall be designed and constructed to the satisfaction of the Development Officer with a minimum right of way width of 66 ft. (20m).

(4) Visitor parking space may be provided at a ratio of at least one space for every two mobile homes units and shall be located to the satisfaction of the Development Officer and shall not be used for the storage of boats, trailers, etc.

(5) The design of rural mobile home parks shall be to the satisfaction of the Development Officer.

(6) In a rural mobile home park, a maximum of 10% of the gross site are shall be devoted to recreational use. The recreation space shall be conveniently located to all park residents, free from traffic hazards and shall not be included in areas designated as buffer strips.

(7) All areas of a rural mobile home park not occupied by a mobile home or addition, internal road, footpath, driveways, permanent building, or any other developed facility shall be fully landscaped to the satisfaction of the Development Officer.

(8) Each mobile home stall shall be clearly marked off to the satisfaction of the Development Officer.

(9) Council may request the developer of a rural mobile home park to enter into a development agreement in accordance with the Planning Act, R.S.A. 1980.

(10) For Permitted Uses -

	Minimum Site Area* acres (hectares)	Minimum Stall Width* ft. (meters)	Minimum Stall Area* sq. ft. (sq. meters)
Rural Mobile Home Park-unserviced	5 (2.02)	100 (30.48)	20,000 (1858)
Rural Mobile Home Park-communal water distribution	4 (1.62)	100 (30.48)	15,000 (1393.5)
Rural Mobile Home Park-communal sewage collection	3 (1.22)	100 (30.48)	10,000 (929)
Rural Mobile Home Park-communal water and sewer	2 (.81)	50 (15.24)	5,000 (464.5)

*Subject to the discretion of the Development Officer.

(11) Minimum and Maximum Area - Discretionary Uses as approved by the Development Officer.

(12) Minimum Floor Area for Mobile Home - 600 sq. ft. 55.74 (m^2) or as approved by the Development Officer.

(13) Minimum Yard Dimensions -

Mobile Home Park Stall: Front yard - 25 ft. (7.62m) or as approved by D.O.;
Rear yard - 25 ft. (7.62m) or as approved by D.O.;
Side yard - 10% of lot width but not less than 5 ft. (1.52m) or as approved by D.O.; and
Corner stall side yard flanking street - 15 ft (4.57m) or as approved by D.O.

(14) Minimum Construction Standards -

All development which includes sanitary facilities shall be to the satisfaction of the Development Officer who shall request comments from the Local Board of Health relating to matters pursuant to the Plumbing and Drainage Regulations.

(15) No fur bearing animals, fowl or livestock other than domestic pets may be kept in a Rural Mobile Home Park.

7.3.0 ADMINISTRATION & ENFORCEMENT

7.3.1 DEVELOPMENT OFFICER

(1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

(2) The Development Officer shall perform such duties as specified in this Bylaw.

(3) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours a copy of this Bylaw and all amendments, and shall keep a register of all applications for development, including the decisions and the reasons for those decisions.

(4) For the purposes of this Bylaw, the Development Officer is hereby declared to be an authorized employee of Council.

7.3.2 DEVELOPMENT APPEAL BOARD

Council by Bylaw 1643 has established a Development Appeal Board in accordance with the Planning Act, R.S.A. 1980. This bylaw provides for the appointment of one member of the public from each electorial division to be named at the annual organizational meeting of the Municipal District.

7.3.3 DEVELOPMENT PERMITS, RULES AND PROCEDURES

(1) All proposed development in this District shall require a development permit prior to the beginning of construction except for the following:

  (i) the normal maintenance and repair of existing development;

  (ii) the erection of fences provided that visibility from intersecting roads is not obstructed;

(iii) temporary buildings;
(iv) accessory uses and buildings; and
(v) the development, maintenance or repair of public works, services and utilities carried-out by or on behalf of the federal, provincial or municipal public authorities.

7.3.4 PERMISSION FOR DEVELOPMENT

(1) An application for a development permit shall be made to the Development Officer in writing and shall be accompanied by
  (a) a site plan showing the location of all proposed buildings,
  (b) a statement of uses, and
  (c) any other information as required by the Development Officer.

(2) Each application for a development permit shall be accompanied by a fee of
  $10.00 for permitted uses, or
  $25.00 for discretionary uses.

(3) The Development Officer shall receive, consider and decide on all applications for a development permit.

(4) In making a decision the Development Officer may approve the application unconditionally, or impose conditions considered appropriate permanently or for a limited period of time, or refuse the application. A development permit approval is valid for a period of twelve months from the date of its issuance.

(5) Where a development permit has been refused no similar application may be entertained for a period of six months.

(6) In the case where a proposed specific use of land or a building is not provided for in this District of the Bylaw the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.

(7) The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with the Bylaw if in the opinion of the Development Officer

(a) the proposed development would not
  (i) unduly interfere with the amenities of the neighbourhood, or
  (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
(b) the proposed development conforms with the use prescribed for the land or building in this Bylaw.

(8) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer.

7.3.5 APPEAL PROCEDURE

(1) An appeal may be made to the Development Appeal Board where a Development Officer
  (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application,
  (b) issues a development permit with or without conditions, or
  (c) issues a stop work order under Section 7.3.6 of this Bylaw.
(2) Any person affected by the permit may appeal.
(3) Any development appeal shall be made by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the date the order, decision or permit issued by the Development Officer was publicized in accordance with the Planning Act.
(4) Within 30 days of a notice of appeal, the Development Appeal Board shall hold a public hearing on the matter.

7.3.6 CONTRAVENTION

(1) Where a Development Officer finds that a development or use of land is in contravention of this Bylaw, the Planning Act, a development permit, or a subdivision approval, the Development Officer may, by written notice to the party responsible, order

(a) a stop to the development,
(b) adjustment to the development to ensure its compliance, or
(c) demolition or removal of the contravening development.

(2) Where the responsible party fails or refuses to comply with an order directed to him under subsection (1) or an order of the Development Appeal Board under Section 85 of the Planning Act within the time specified, Council or a person appointed by it may, in accordance with Section 43 of the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.

(3) Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land.

7.3.7 APPLICATION TO AMEND BYLAW

(1) A person may apply to have this Bylaw amended by applying to the Secretary-Treasurer in writing furnishing reasons in support of the application and paying the required fee.

(2) All applications for amendment to this Bylaw shall be forwarded by the Secretary-Treasurer to Council and shall also be accompanied by
(a) the $250 application fee, part or all of which Council may determine to have returned to the applicant,
(b) the certificate of title or other documents indicating the applicant's interest in the land affected, and
(c) any other information as determined necessary by the Secretary-Treasurer.

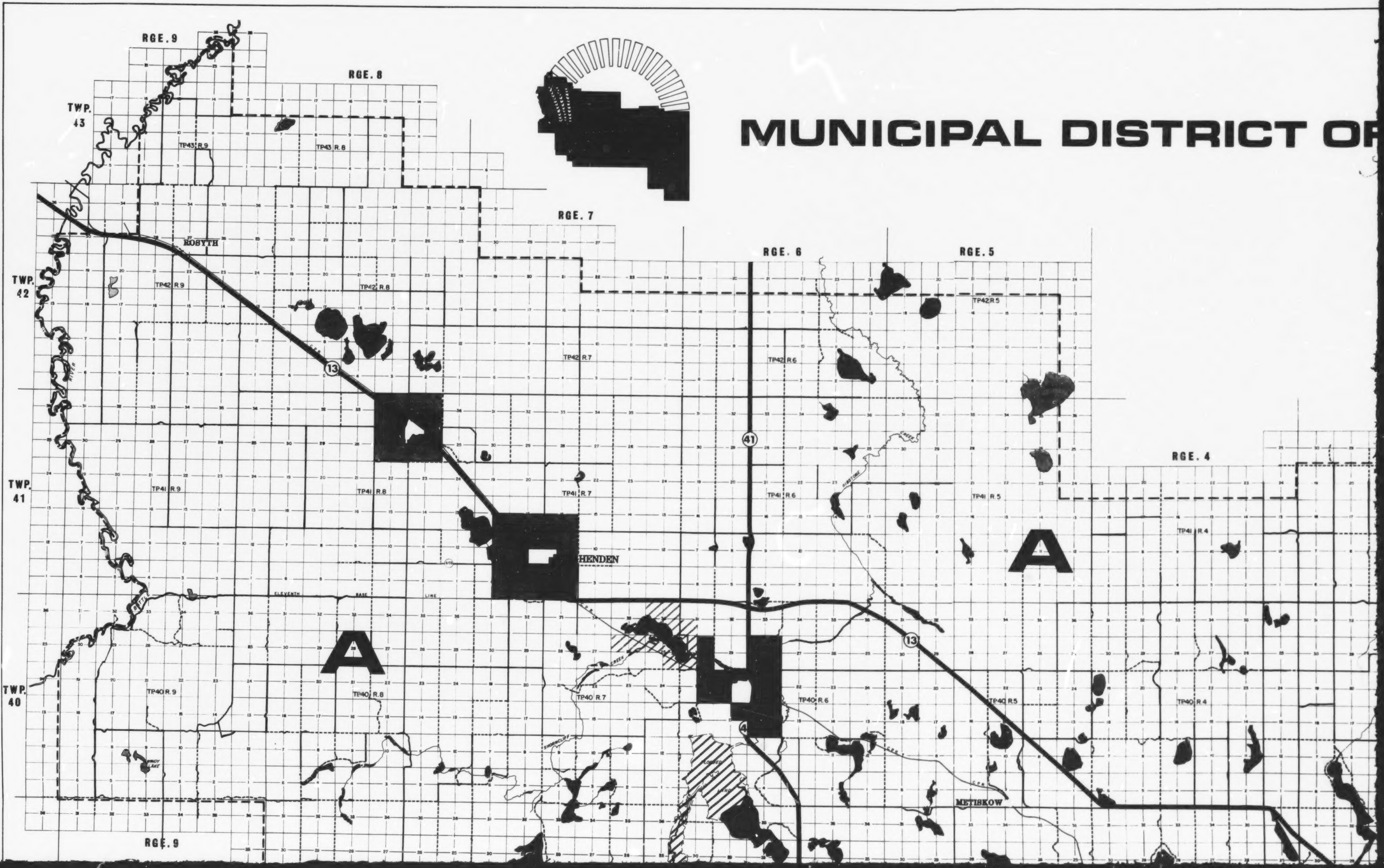
(3) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to prepare an application.

(4) All amendments to this Bylaw shall conform with Part 6, Division 1 of the Planning Act on "Public Participation in Bylaws".

7.4.0 LAND USE DISTRICT MAP

7.4.1 Since there is no area within the M.D. of Provost No. 52 designated as being in the Rural Mobile Home Park District, there is no LAND USE DISTRICT MAP at this time.

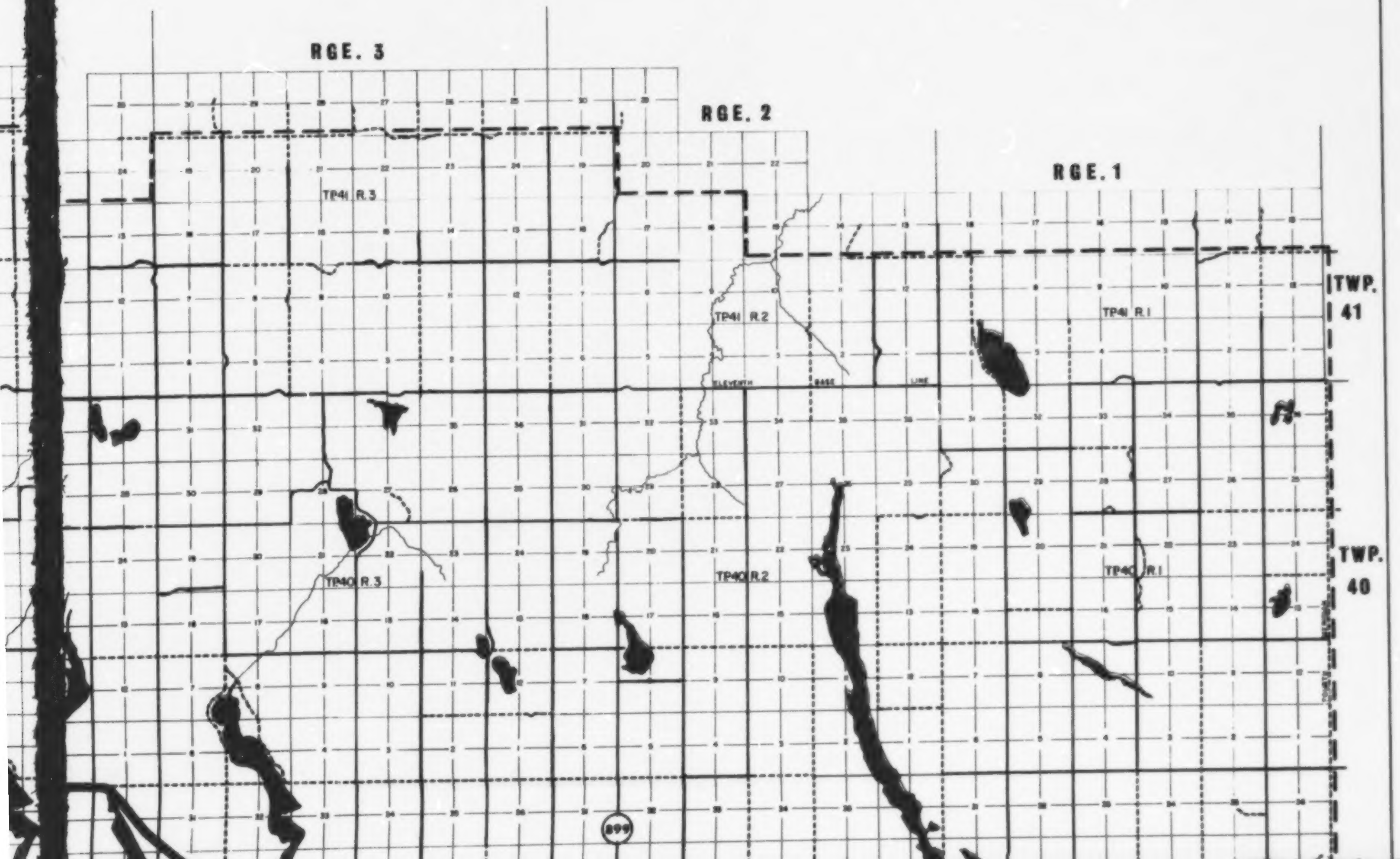
MUNICIPAL DISTRICT OF

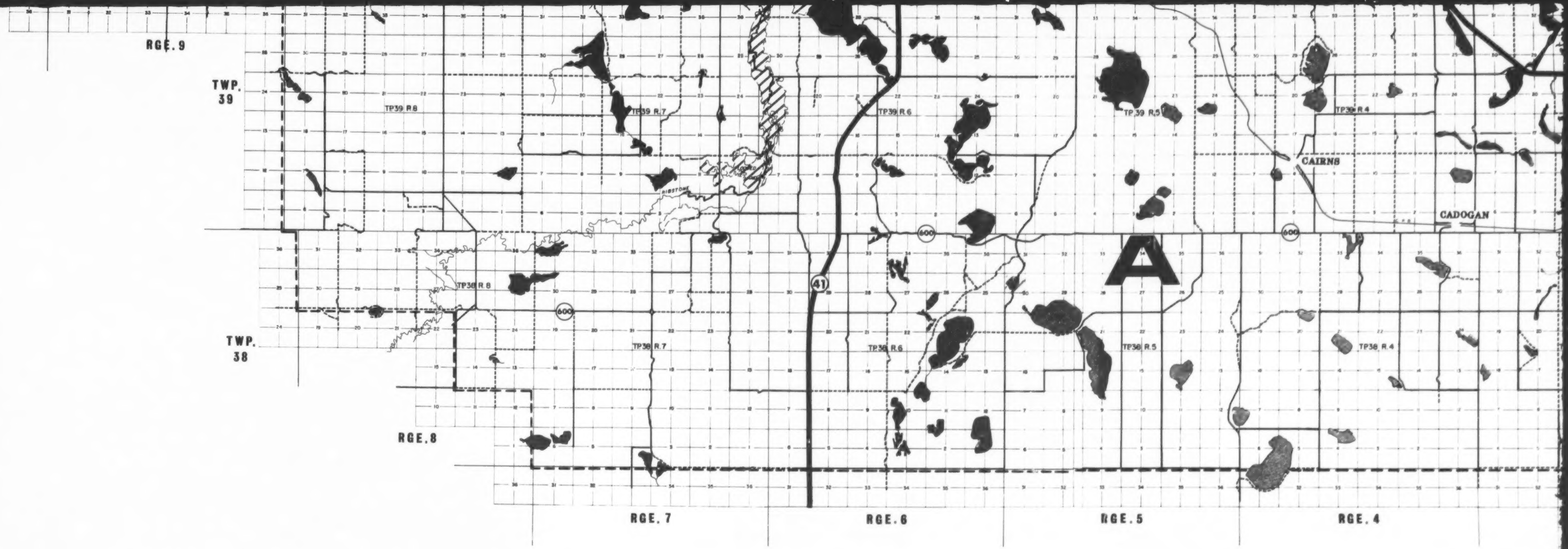


CT OF PROVOST NO. 52

1.4.2. LAND USE DISTRICT

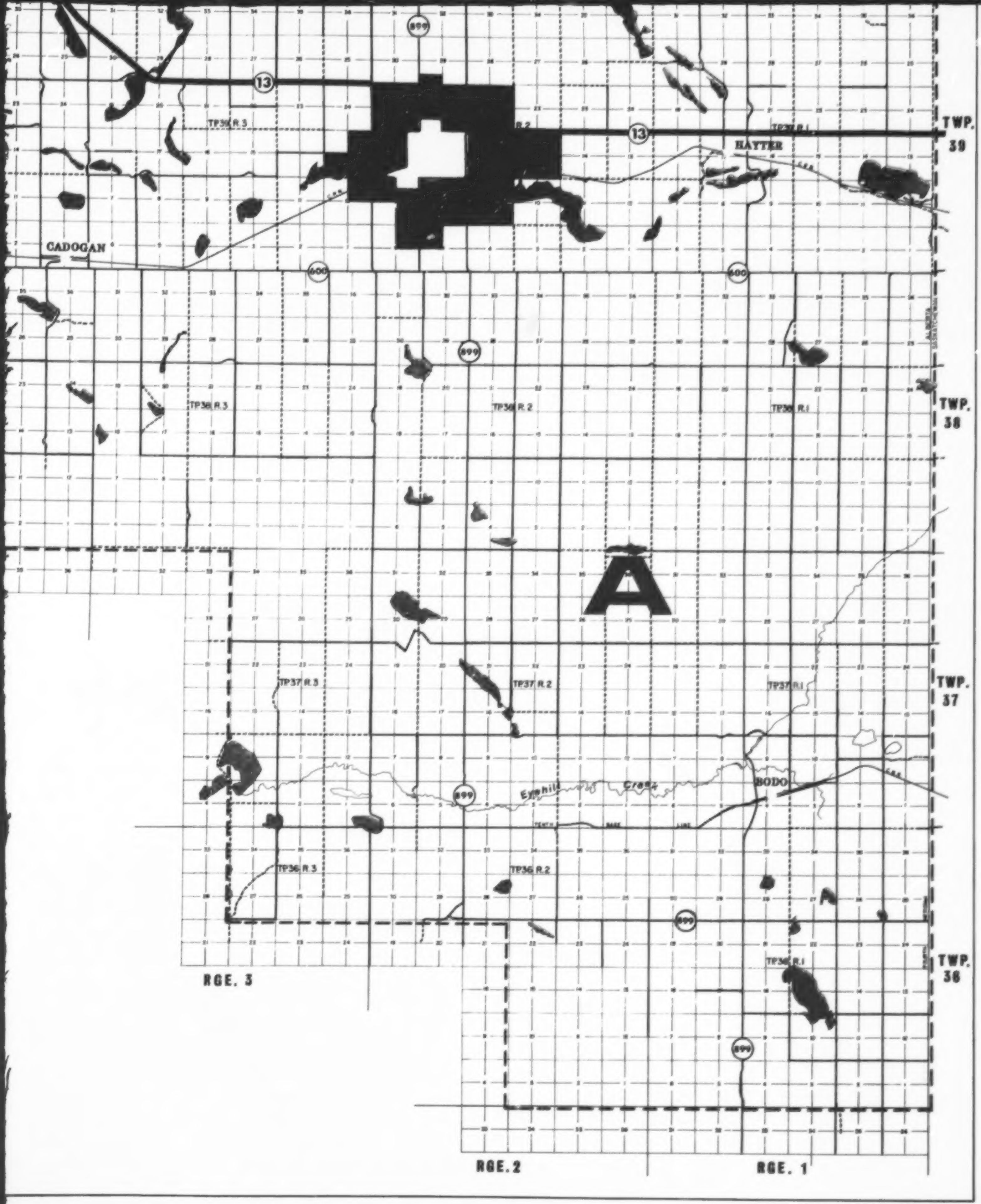
LAND USE BYLAW





LEGEND

A	AGRICULTURAL DISTRICT	☐	TOWN AND VILLAGE
			HAMLET
■	URBAN FRINGE DISTRICT	———	TOWNSHIP OUTLINE
		———	RAILWAY
☐	COUNTRY RESIDENTIAL DISTRICT	—(13)—	HIGHWAY
		—(899)—	DISTRICT ROAD
▨	LAKE DISTRICT	- - - - - -	SECONDARY ROAD
	HAMLET DISTRICT	— — — —	BOUNDARY LINE


TWP. 39
TWP. 38
TWP. 37
TWP. 36
TP39 R.3
R.2
TP39 R.1
HAYTER
CADOGAN
TP38 R.3
TP38 R.2
TP38 R.1
TP37 R.3
TP37 R.2
TP37 R.1
TP36 R.3
TP36 R.2
TP36 R.1
BODO
Eyehill Creek
TENTH BASE LINE
13
899
600
A
RGE. 3
RGE. 2
RGE. 1